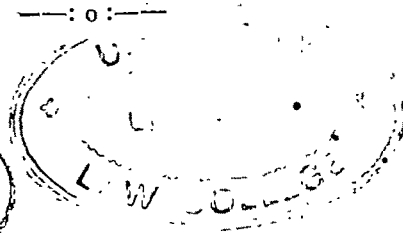


CW/2-404858-15LP2219

THE
CURRENT INDIAN STATUTES

15

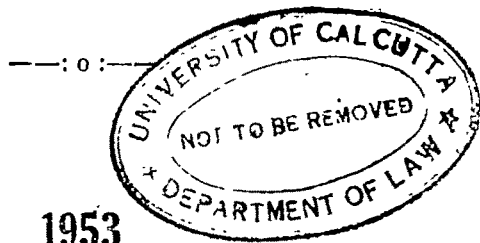


EDITOR

Anand Mohan Suri,

B.A., LL. B.

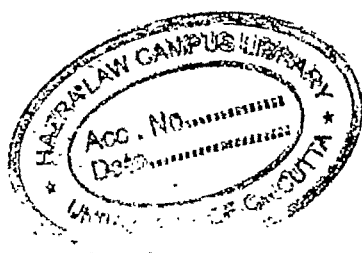
ADVOCATE SUPREME COURT OF INDIA
&
HIGH COURT, SIMLA



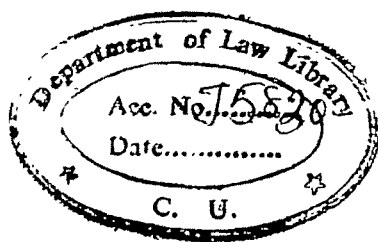
1953

January-December

PRINTED AND PUBLISHED BY L. ANAND MOHAN SURI AT THE
PUNJAB LAW REPORTER PRESS, SHEFFIELD, KATHU ROAD, SIMLA-3.



LP 2219



GENERAL INDEX

PART I

NOTIFICATIONS—CENTRAL GOVERNMENT

[Pages 1 to 64]

	Page
Abducted Persons Recovery Rules, 1953	32
Administration of Evacuee Property (Central Rules, 1950, amendments in	...25, 61
Air Corporations Act, 1953—	
appointing 1st August 1953 for purposes of S. 16	... 59
date of commencement	... 51
Aircraft Rules, 1920, declaring aerodrome at Amritsar to be customs aerodrome and appointing Chief Customs Officer and Customs Collector	... 63
Armed Forces (Emergency Duties) Act, 1947, declaring service of vital importance	... 9
Arms Rules, 1951, amendments in	62, 64(1), 64(3)
Atomic Energy Act, 1948—	
Atomic Energy (Control of Production and Use) Order, 1953	... 50
delegating functions of the Central Government	53(2)(3)
prescribing substances under section 3(d)	... 50
Banking Companies Act, 1949, provisions of note (f) to Form A in the Third Schedule shall not apply to certain banking companies	... 9
Banking Companies Rules, 1949, amendments in	... 3
date of commencement	... 4
Bengal Finance (Sales Tax) Act, 1941, as extended to Delhi, notice to make amendments	... 18
Bhopal Abolition of Jagirs and Land Reforms Act, 1953, functions of State Government to be exercised by the Chief Commissioner of Bhopal	... 63
Central Excise Rules, 1944, amendments in	... 21, 24, 26, 28
Chandernagore (Administration) Regulation, 1952—extending to Chandernagore the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950	... 23
Cinematograph (Censorship) Rules, 1951 amendments in	... 11, 23
Civil Procedure Code (Amendment) Act, LXXI of 1952, appointing 1st March 1953 as the date of commencement	... 28
Civil Procedure Code, 1908, appointing certain officers as Government Pleaders under O. XXVII in relation to any suit by or against the Central Government	... 43
appointing persons to sign and verify written statements etc.	... 45(2)
authorising officers appointed as Government Pleaders to act for the Central Government	... 45(1)
declaring under S. 44A reciprocating territory	... 28
directing functions assigned to Central Government by O. XXXVII C. P. Code, to be discharged by Lieutenant Governor or Chief Commissioner of every Part C State, except the State of Manipur	... 30
Coal Mines Labour Welfare Fund Act, 1947, an amendment in the Rules	... 13(2)(3)(4)
Coal Mines Safety (Stowing) Rules, 1939, amendments in	... 12
Coffee Market Expansion Rules, 1940, amendment in	... 54
Companies Act, 1913—	
appointing Registrar and Assistant Registrars of Joint Stock Companies in the State of Andhra	... 64
revoking delegations of functions of the Central Government	63(1)(2)(3)

Notifications—Central Government—Contd.

	Page
Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1952	2
Constitution of India, declaration under Art. 370(3)	2
Criminal Procedure Code, 1898,—	
Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1952, amendments in	62
directing commissions from courts in India for examination of witnesses in the Union of Burma to be issued in the form and to the Court specified	60
specifying Judges and Magistrates in the Union of Burma by whom commissions for examination of witnesses residing in India may be issued	59
Delhi and Ajmer Rent Control Act, 1952—appointing Deputy Commissioner, Delhi, as Controller	29
Displaced Persons (Debts Adjustment) Act, 1951—The Insurance Claims Board Rules, 1952	7
specifying conditions under S. 18(1) (d)	20
Employees' Provident Funds Act, 1952—amendment in Employees' Provident Funds Scheme, 1952	30
appointing Inspector for the State of Orissa	56
Employees' Provident Funds Scheme, 1952, appointing Regional Commissioner for the State of Orissa	56
Employees' State Insurance Act, 1948—amendment in Notification No S. R. O. 279, dated 6th February 1952	29
Employees' State Insurance (Central) Rules, 1950, amendment in	14
specifying authorities under section 73-B	56
Essential Supplies (Temporary Powers) Act, 1946—	
Cottonseed (Control) Order, 1952—amendments in	9, 14, 46(1) (2), 47, 49, 57
Cotton Textiles (Control) Order, 1948, amendments in	23
delegating powers under S 3(1) and 3(2) (a) in relation to edible oils	25
directing no order made by any authority other than Central Government shall have effect so as to restrict movement of any foodgrains between the States of Rajasthan and Ajmer	52
Factories (Control of Dismantling) Order, 1946, repealed	24
Gram and Gram Products (Export Control) Order, 1953	48
amendments in	50, 52
Oilseeds (Removal of Control) Order, 1952, amendment in	16
Rajasthan Gram and Gram Products (Export Control) Order, 1953	46
amendments in	52
Vegetable Oil Products Control Order, 1947, amendments in	41
Evacuee Interest (Separation) Act, 1951—appointing Appellate Officer	8
Evacuee Interest (Separation) Rules, 1951, amendments in	15, 28
Explosives Rules, 1940, amendments in	28
Foodgrains (Licensing and Procurement) Order, 1952—applied in the State of West Bengal	61
date of enforcement in the State of Bombay	54
date of enforcement in the State of Madras	2
Forward Contracts (Regulation) Act, LXXIV of 1952—date of commencement	61

Notifications—Central Government—Contd.

Page

Income-tax Act, 1922—	
appointing a competent authority under S. 46A	... 43
Income-tax (Tax Clearance Certificates) Rules, 1953	... 41
Income-tax Rules, 1922, amendments in	5, 54, 61
Part B States (Taxation Concessions) Order, 1950—amendments in	6, 53
specifying persons to whom provisions of S. 46A shall not apply	... 40
Industrial Disputes (Appellate Tribunal) Rules, 1951, amendments in	58
Industrial Disputes (Central) Rules, 1947, amendments in	... 4
Insurance Rules, 1939, amendments in	... 16
Iron and Steel Companies Amalgamation Act, 1952—	
Provident Institutions (Amalgamation) Rules, 1953	... 27
Works Provident Funds (Amalgamation) Rules, 1953	... 27
Iron and Steel (Control of Production and Distribution) Order, 1941	
conferring powers of Controller	... 4(2), 4(3)
Iron and Steel (Scrap Control) Order, 1943, amendment in Notification No. 4(78)-A, dated 6th January 1951	... 23
Merchant Shipping Act, 1923—amendments in Indian Pilgrim Ships Rules, 1923	... 6
Merchant Shipping (Amendment) Act, 23 of 1953, date of commencement	... 55
Mines Act, 1952—	
Coal Mines Rescue Rules, 1939, amendments in	... 13
Indian Metaliferous Regulations, 1926, amendments in	... 24
Mines and Minerals (Regulation and Development) Act, 1948—	
amendments in the Mineral Concession Rules, 1949	29 (2) (3)
Minimum Wages (Central) Rules, 1950, amendment in	... 56
Part C States (Laws) Act, 1950—	
extending to the State of Bilaspur—The U P. Roadside Land Control Act, 1945	... 8
extending to the State of Delhi—The Bombay Essential Commodities and Cattle (Control) Act, 1946	... 14
The East Punjab Ayurvedic and Unani Practitioners (Amendment) Act, 1952	... 48
extending to the State of Manipur—The Land Improvement Loans Act, 1883	... 3
extending to the State of Tripura—The Punjab Juvenile Smoking Act, 1918	... 55
Payment of Wages (Mines) Rules, 1949, amendment in	... 56
Petroleum Act, 1934—	
Carbide of Calcium Rules, 1937, amendments in	... 12
Cinematograph Film Rules, 1948, amendments in	... 12
Petroleum Rules, 1937, amendments in	... 12
Power Alcohol Act, 1948—	
applied to certain areas in the State of Vindhya Pradesh	... 52
date of enforcement in the State of Delhi	... 10(1)
date of enforcement in certain areas of Patiala and East Punjab States Union	... 23
directing Chief Commissioner of Delhi, to exercise the functions of the Central Government	... 18
Notification under section 6	... 10(2)
Power Alcohol Rules, 1950, amendments in	... 11
Railways Act, 1890, amendments in Notification No. 1080-T, dated the 18th February 1926	... 55
Reciprocal Enforcement of Judgments (India) Order, 1953	... 30

Notifications—Central Government—Contd.	Page
Representation of the People Act, 1951—	
Representation of the People (Conduct of Elections and Election	
Petitions) Rules, 1951, amendments in ... 1(1) (2), 49	
List of symbols 21	
Notification under rule 5(2) 21	
Representation of the People (Preparation of Electoral Rolls) Rules,	
1950—amendments in .. 50, 53	
Requisitioning and Acquisition of Immovable Property Act, 1952—	
amendment in Notification No. 879/WII/52, dated 28th January	
1952 59(4)	
appointing a competent authority ... 3	
delegating powers ... 8, 24	
delegating powers of the Central Government under certain sections	
to the Collectors in the State of Bombay ... 10	
powers under sections 6, 7, 8 and 13 exercisable by the Deputy	
Commissioner of Bilaspur, Madhya Pradesh ... 61	
powers under sections 7, 8 and 10 shall also be exercisable by the	
Chief Commissioner of Tripura ... 55(2)	
powers under S. 10 shall also be exercisable by the Chief Commis-	
sioners of Ajmer, Bilaspur, Bhopal, Coorg, Kutch and Manipur	
and the Chief Secretaries to the Government of Himachal Pradesh	
and Vindhya Pradesh ... 59(3)	
Requisitioning and Acquisition of Immovable Property Rules, 1953	33
Road Transport Corporations Act, 1950—	
date of commencement in the State of Saurashtra ... 60	
date of enforcement in the State of West Bengal ... 27	
Rubber (Production and Marketing) Rules, 1947, amendment in ... 11	
Scheduled Areas (Assimilation of Laws) Act, 1953—date of commen-	
ment ... 61	
Sea Customs Act, 1878, appointing officers of Customs ... 58	
Soldiers (Litigation) Rules, 1939—amendment in ... 6	
Tea Districts Emigrant Labour Act, 1952	
conferring powers of Controller ... 10(6), 11	
declaring Cooch Behar to be a controlled emigration area ... 10(4)	
empowering Deputy Commissioner, Cooch Behar, to grant license... 10(5)	

PART II INDIAN PARLIAMENT ACTS

[Pages 1 to 247]

Indian Parliament Acts, 1952

The Indian Tariff (Fourth Amendment) Act, LXVI of 1952 ..	1
The Sugar (Temporary Additional Excise Duty) Act, LXVII of	
1952 2	
The Indian Oilseeds Committee (Amendment) Act, LXVIII of 1952	4
The Indian Coconut Committee (Amendment) Act, LXIX of 1952...	6
The Indian Patents and Designs (Amendment) Act, LXX of 1952 ...	8
The Code of Civil Procedure (Amendment) Act, LXXI of 1952 ...	9
The Mysore High Court (Extension of Jurisdiction to Coorg) Act,	
LXXII of 1952 10	
The Indian Power Alcohol (Amendment) Act, LXXIII of 1952 ...	11
The Forward Contracts (Regulation) Act, LXXIV of 1952 ...	12
The West Bengal Evacuee Property (Tripura Amendment) Act,	
LXXV of 1952 41	

GENERAL INDEX—C. I. S. 1953

Part II—Indian Parliament Acts—Contd.	Page
The Influx from Pakistan (Control) Repealing Act, LXXVI of 1952...	42
The Abducted Persons (Recovery and Restoration) Amendment Act, LXXVII of 1952	25
The Industrial Finance Corporation (Amendment) Act, LXXVIII of 1952	27
✓ The Iron and Steel Companies Amalgamation Act, LXXIX of 1952	34
The Appropriation (No. 3) Act, LXXX of 1952	39
✓ The Delimitation Commission Act, LXXXI of 1952	42
Indian Parliament Acts, 1953	
✓ The Constitution (Second Amendment) Act, 1952	94
✓ The Appropriation Act, 1 of 1953	46
✓ The Indian Tariff (Amendment) Act, 2 of 1953	48
The Union Duties of Excise (Distribution) Act, 3 of 1953	49
The Appropriation (Vote on Account) Act, 4 of 1953	50
The Appropriation (Railways) Act, 5 of 1953	56
The Appropriation (Railways) No. 2 Act, 6 of 1953	58
The Patiala and East Punjab States Union Appropriation Act, 7 of 1953	59
The Patiala and East Punjab States Union Appropriation (Vote on Account) Act, 8 of 1953	60
The Appropriation (No. 2) Act, 9 of 1953	63
✓ The Hyderabad Coinage and Paper Currency (Miscellaneous Provisions) Act, 10 of 1953	64
✓ The Administration of Evacuee Property (Amendment) Act, 11 of 1953	65
✓ The Khadi and other Handloom Industries Development (Additional Excise duty on Cloth) Act, 12 of 1953	73
The Appropriation (No. 3) Act, 13 of 1953	74
The Finance Act, 14 of 1953	81
The Central Excises and Salt (Amendment) Act, 15 of 1953	93
The Scheduled Areas Assimilation of Laws Act, 16 of 1953	94
The Patiala and East Punjab States Union Appropriation (No. 2) Act, 17 of 1953	96
The Indian Light House (Amendment) Act, 18 of 1953	98
The Cinematograph (Amendment) Act, 19 of 1953	99
✓ The Salaries and Allowances of Officers of Parliament Act, 20 of 1953	100
✓ The Comptroller and Auditor-General (Conditions of Service) Act, 21 of 1953	101
The Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 22 of 1953	102
The Indian Merchant Shipping (Amendment) Act, 23 of 1953	103
The Delhi Road Transport Authority (Amendment) Act, 24 of 1953	112
✓ The Income-tax (Amendment) Act, 25 of 1953	112
The Industries (Development and Regulation) Amendment Act, 26 of 1953	129
✓ The Air Corporations Act, 27 of 1953	138
The Vidhya Pradesh Legislative Assembly (Prevention of Disqualification) Act, 28 of 1953	158
✓ The Tea Act, 29 of 1953	159
The Andhra State Act, 30 of 1953	174
The Central Silk Board (Amendment) Act, 31 of 1953	202
The Collection of Statistics Act, 32 of 1953	206

Part II—Indian Parliament Acts—Contd.

	Page
The Appropriation (No. 4) Act, 33 of 1953	210
The Estate Duty Act, 34 of 1953	211

PART III ORDINANCES

[Pages 1 to 15]

The Employees' Provident Funds (Amendment) Ordinance, I of 1953	1
The Banking Companies (Amendment) Ordinance, 4 of 1953	4
<i>Note</i> —For Ordinances Nos. 2, 3, 5 and 6, see C. I. S. 1954	

PART IV DELHI AND AJMER ACTS

Delhi Acts

The Delhi (Supplementary) Appropriation Act, I of 1953	12
The Delhi (Places of Public Entertainment) Prohibition of Smoking Act, II of 1953	13
The Delhi (Second Supplementary) Appropriation Act, III of 1953	14
The Delhi Appropriation Act, IV of 1953	15
The Delhi Stay of Proceedings (Revenue Courts) Act, VII of 1953	16

Ajmer Acts 1952

The Ajmer Primary Education Act, II of 1952	5
The Ajmer (Sound Amplifiers Control) Act, III of 1952	8
The Ajmer Official Languages Act, IV of 1952	8

Ajmer Acts, 1953

The Ajmer Prevention of Prostitution Act, I of 1953	1
The Ajmer (Places of Public Entertainment) Prohibition of Smoking Act, II of 1953	9
The Ajmer Appropriation Act, III of 1953	10
The Ajmer Appropriation (No. 2) Act, IV of 1953	11

PART V BOMBAY ACTS, REGULATIONS & ORDINANCES

[Pages 1 to 156]

Bombay Acts, 1952

The Bombay Primary Education (Amendment) Act, XXV of 1952	1
The Bombay Prohibition (Amendment) Act, XXVI of 1952	3
The Bombay Shops and Establishments (Amendment) Act, XXVIII of 1952	12
The Bombay Drugs (Control) Act, XXIX of 1952	25
The Bombay Lotteries and Prize Competitions Control and Tax (Amendment) Act, XXX of 1952	16
The Bombay Displaced Persons Premises Control and Regulation Act, XXXI of 1952	19
The Bombay Housing Board (Amendment) Act, XXXII of 1952	22
The Bombay Tenancy and Agricultural Lands (Amendment) Act, XXXIII of 1952	29

Bombay Acts, 1953

The Bombay (Supplementary) Appropriation Act, I 1953	37
The Land Acquisition (Bombay Amendment) (Amendment) Act, II of 1953	37

Part V—Bombay Acts, Regulations & Ordinances—Contd. Page**Bombay Acts, 1953—Contd**

The Bombay Sales Tax Act, III of 1953	...	38
The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, IV of 1953	...	63
The Bombay Land Requisition (Amendment) Act, V of 1953	...	64
The Bombay Appropriation Act, VI of 1953	...	65
The Bombay Land Revenue Code (Amendment) Act, VII of 1953	...	65
The Bombay Land Improvement Schemes (Amendment) Act, VIII of 1953	...	66
The Bombay Village Panchayats (Amendment) Act, IX of 1953	...	67
The Bombay Provincial Municipal Corporations (Amendment) Act, X of 1953	...	67
The Bombay Cinemas (Regulation) Act, XI of 1953	...	68
The Bombay Epidemic Diseases (Bombay Amendment) Act, XII of 1953	...	70
The Bombay Medical Practitioners' (Amendment) Act, XIII of 1953	...	71
The Bombay Baronetcies (Amendment) Act, XIV of 1953	...	72
The Bombay Legislature Members (Removal of Disqualifications) (Amendment) Act, XV of 1953	...	73
The Industrial Disputes (Appellate Tribunal) (Bombay Amendment) Act, XVI of 1953	...	74
The Gandhi National Memorial Fund (Local Authorities Donations) Act, XVII of 1953	...	74
The Bombay Repealing and Amending Act, XVIII of 1953	...	75
The Bombay District Municipal and Village Panchayats (Amendment) Act, XIX of 1953	...	77
The Bombay Police (Amendment) Act, XX of 1953	...	79
The Bombay Merged States (Laws) (Amendment) Act, XXI of 1953	...	83
The Bombay Agricultural Debtors Relief (Amendment) Act, XXII of 1953	...	84
The Bombay Medical (Amendment) Act, XXIII of 1953	...	84
The Bombay Motor Vehicles Tax (Amendment) Act, XXIV of 1953	...	85
The Indian Forest (Bombay Amendment) Act, XXV of 1953	...	85
The Bombay District Municipal and Municipal Boroughs (Amendment) Act, XXVI of 1953	...	86
The Prisons (Bombay Amendment) Act, XXVII of 1953	...	91
The Bombay Public Trusts (Amendment) Act XXVIII of 1953	...	92
The Bombay Evacuee Interest (Separation) Validating and Supplementary Act, XXIX of 1953	...	96
The Bombay Sales Tax Act, 1952 (Suspension) Act, XXX of 1953	...	118
The Prevention of Cruelty to Animals (Bombay Amendment) Act, XXXII of 1953	...	119
The Bombay Primary Education (Amendment) Act, XXXIII of 1953	...	97
The Bombay Criminal Procedure (Amendment) Act, XXXIV of 1953	...	98
The Land Acquisition (Bombay Amendment) Act, XXXV of 1953	...	100
The Bombay Agricultural Produce Markets (Amendment) Act, XXXVI of 1953	...	103
The Bombay Finance (Amendment) Act, XXXVII of 1953	...	105
The Bombay Land Tenures Abolition (Amendment) Act, XXXVIII of 1953	...	108
The Coroners (Bombay Amendment) Act, XXXIX of 1953	...	111

Part V—Bombay Acts, Regulations & Ordinances—Contd.	Page
The Bombay Labour Welfare Fund Act, XL of 1953	112
The Bombay Co-operative Societies (Amendment) Act, XLI of 1953	119
The Bombay Personal Inams Abolition Act, XLII of 1953	121
The Bombay Merged Territories (Ankadia Tenure Abolition) Act, XLIII of 1953	125
The Bombay Kauli and Katuban Tenures (Abolition) Act, XLIV of 1953	132
The Bombay Merged Territories Baroda Mulgiras Tenure Abolition) Act, XLV of 1953	135
The Bombay Merged Territories (Baroda Watan Abolition) Act, XLVI of 1953	140
The Bombay Sales of Intoxicants Taxation Act, XLVII of 1953	143
The Bombay Merged Territories Matadari Tenure Abolition, Act, XLVIII of 1953	150
The Bombay Merged States (Laws) (Second Amendment) Act, XLIX of 1953	154
The Bombay Land Tenures Abolition (Recovery of Records) Act, L of 1953	155
The Bombay (Second Supplementary) Appropriation Act, LI of 1953	156
Bombay Ordinances	
The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, I of 1952	34
The Bombay Sales Tax (No. 1) Ordinance, II of 1952	35
Bombay Regulation	
The Bombay Agricultural Debtors Relief (Mehwassai Estates and Akarani Mahal) (Amendment) Regulation, II of 1952	33

PART VI

ORISSA ACTS, ORDINANCES & REGULATIONS

[Pages 1 to 69]

Orissa Acts 1952	Page
The Orissa Hindu Religious Endowments Act, II of 1952	1
The Orissa Appropriation (No.3) Act, XIX of 1952	33
The Orissa Ministers' Salaries and Allowances Act, XX of 1952	34
The Orissa Agriculture (Amendment) Act, XXI of 1952	35
The Orissa House Rent Control (Amendment) Act, XXII of 1952	36
The Orissa Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, XXIII of 1952	36
The Orissa Restriction of Habitual Offenders Act, XXIV of 1952	37
The Indian Forest (Orissa Amendment) Act, XXV of 1952	41
The Central Provinces Land Revenue (Orissa Amendment) Act, XXVI of 1952	41
The Orissa Mining Areas Development Fund Act, XXVII of 1952	42
The Orissa Court of Wards (Amendment) Act, XXVIII of 1952	45
Orissa Acts, 1953	
The Orissa Motor Vehicles (Amendment) Amendment Act, I of 1953	50
The Orissa Estates (Amendment) Act, II of 1953	47
The Orissa Appropriation Act, III of 1953	69
The Orissa Tenants Protection (Amendment) Act, V of 1953	47
The Orissa Hindu Religious Endowments Amendment (Amendment) Act, VI of 1953	47

Part VI—Orissa Acts, Ordinances & Regulations—Contd.	Page
The Orissa Stamp (Surcharge Amendment) Amendment Act, VII of 1953	51
The Orissa Mining Areas Development Fund (Amendment) Act, VIII of 1953	48
The Orissa Drugs Control (Amendment) Act, IX of 1953	62
The Orissa Secondary Education Act, X of 1953	51
The Orissa Municipal (Amendment) Act, XII of 1953	63
The Central Provinces Tenancy (Orissa Amendment of C. P. Act XI of 1898) Act, XIII of 1953	66
The Orissa Agriculture (Amendment) Act, XIV of 1953	69
The Central Provinces Tenancy (Orissa Amendment of C. P. Act I of 1920) Act, XV of 1953	68
Orissa Ordinances	
The Orissa Stamp (Surcharge Amendment) (Amendment) Ordinance, I of 1953	46
The Orissa Hindu Religious Endowments (Amendment) Ordinance, II of 1953	49
Orissa Regulations	
The Koraput Ganjam Agency Legal Practitioners Regulation, I of 1953	46
The Mayurbhanj and Sundargarh Mining Settlements Regulation, II of 1952	1

PART VII BIHAR ACTS, ORDINANCES & RULES

[Pages 1 to 66]

Bihar Acts, 1952	Page
The Bihar Appropriation (No. 2) Act, XII of 1952	1
The Bihar Town Planning and Improvement Trust (Amendment) Act, XIV of 1952	3
Bihar Acts, 1953	
The Bihar Public Irrigation and Drainage Works (Amendment) Amending Act, I of 1953	11
The Bihar Molasses (Cess on Sales) Act, II of 1953	27
The Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-Holders (Vested Estates and Tenures) Act, III of 1953	16
The Bihar Premises Requisition (Temporary Provisions) (Amendment) Act, IV of 1953	15
The Bihar Buildings (Lease, Rent and Eviction) Control (Amendment) Act, V of 1953	12
The Bihar Essential Articles Control (Temporary Powers) (Amendment) Act, VI of 1953	14
The Bihar Public Irrigation and Drainage Works (Amendment) Act, VII of 1953	19
The Bihar Motor Vehicles Taxation (Amendment) Act, VIII of 1953	20
The Bihar Finance Act, IX of 1953	20
The Bihar Appropriation Act, X of 1953	24
The Bihar Appropriation (No. 2) Act, XI of 1953	25
The Bihar Military Police (Amendment) Act, XII of 1953	25
The Bihar State Aid to Industries (Amendment) Act, XIII of 1953	31
The Bihar Sales Tax (Amendment) Act, XIV of 1953	28
The Patna Municipal Corporation (Amendment) Act, XV of 1953	29
The Bihar Ministers Salaries and Allowances Act, XVI of 1953	31

Part VII—Bihar Acts, Ordinances & Rules—Contd.**Page**

The Bihar Harijan (Removal of Civil Disabilities) (Amending and Validating) Act, XVII of 1953	...	32
The Bihar Maternity Benefit (Amendment) Act, XVIII of 1953	...	33
The Bihar Deputy Ministers' Salaries and Allowances (Amendment) Act, XIX of 1953	...	33
✓ The Bihar Legislature (Officers' Salaries and Allowances) Act, XX of 1953	...	34
✓ The Bihar Emergency Cultivation and Irrigation (Temporary Provisions) (Amendment) Act, XXI of 1953	...	35
The Bihar Prevention and Control of Agricultural Pests, Diseases and Noxious Weeds Act, XXII of 1953	...	50
✓ The Bihar Evacuee Interest (Separation) Supplementary Act, XXIII of 1953	...	35
✓ The Bihar Development of Homeopathic System of Medicine Act, XXIV of 1953	...	36
The Bihar Displaced Persons (Rehabilitation Loans) Act, XXV of 1953	...	54
The Bihar Maintenance of Public Order (Amendment) Act, XXVI of 1953	...	57
The Bihar Hindu Religious Trusts (Amendment) Act, XXVII of 1953	...	58
The Bihar Mica (Amendment) Act, XXVIII of 1953	...	60
✓ The Bihar Bakasht Disputes Settlement (Amendment) Act, XXIX of 1953	...	65
The Bihar Appropriation (No. 3) Act, XXX of 1953	...	65
The Bihar Appropriation (No. 4) Act, XXXI of 1953	...	65

Bihar Ordinances

The Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-holders (Vested Estates and Tenures) Ordinance, VI of 1952	...	5
The Bihar Essential Articles Control (Temporary Powers) Continuance Ordinance, VII of 1952	...	9
The Bihar Premises Requisition (Temporary Provisions) Continuance Ordinance, I of 1953	...	10
The Bihar Molasses (Cess on Sales) Ordinance, II of 1953	...	11

Bihar Rules

The Bihar Sales Tax Rules, 1949—amendments in	...	26
---	-----	----

PART VIII

ASSAM ACTS

[Pages 1 to 16]**Assam Acts, 1952****Page**

The Garo Hills (Abolition of the Garo Hills District Fund Committee) Act, I of 1952	...	5
The Assam Professions, Trades, Callings and Employments Taxation (Amendment) Act, XIII of 1952	...	2
The Assam Appropriation (No. III) Act, XIV of 1952	...	4
The Assam Excise (Amendment) Act, XV of 1952	...	1
The Assam Adhiars Protection and Regulation (Amendment) Act, XVI of 1952	...	6
The Assam Rural Panchayat (Amendment) Act, XVII of 1952	...	7

Part VIII—Assam Acts—Contd.

Page

Assam Acts, 1953

The Assam Liquor Prohibition Act, I of 1953	...	10
The Assam Maintenance of Public Order (Amendment) Act, IX of 1953	...	14
The Assam Repealing and Amending Act, X of 1953	...	15

PART IX WEST BENGAL ACTS & ORDINANCES

(Pages 1 to 51)

West Bengal Acts, 1953

Page

The West Bengal Bargadars (Amendment) Act, I of 1953	...	5
The Bengal Tenancy (Amendment) Act, II of 1953	...	6
The West Bengal Jute Goods (Amendment) Act, III of 1953	...	8
The Gangasagar Mela Act, IV of 1953	...	9
The West Bengal Security (Amendment) Act, V of 1953	...	10
The Calcutta Thika Tenancy (Amendment) Act, VI of 1953	...	12
The Bengal Co-operative Societies (Amendment) Act, VII of 1953	...	15
The Bengal Smoke-Nuisances (Amendment) Act, VIII of 1953	...	16
The West Bengal Premises Rent Control (Temporary Provisions) (Amendment) Act, IX of 1953	...	17
The West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, X of 1953	...	17
The West Bengal Appropriation Act, XI of 1953	...	18
The West Bengal Appropriation (No 2) Act, XII of 1953	...	18
The Bengal Public Demands Recovery (Amendment) Act, XIII of 1953	...	19
The West Bengal Electricity (Emergency Powers) (Amendment) Act, XIV of 1953	...	21
The West Bengal Criminal Law Amendment (Special Courts) Amendment Act, XV of 1953	...	21
The Prohibition of Smoking in Passenger Vehicles Act, XVI of 1953	...	22
The Bengal Highways (Amendment) Act, XVII of 1953	...	23
The Bengal Public Demands Recovery (Second Amendment) Act, XVIII of 1953	...	23
The Calcutta Municipal (Amendment) Act, XIX of 1953	...	24
The City Sessions Court Act, XX of 1953	...	40
The City Civil Court Act, XXI of 1953	...	44

West Bengal Ordinances

The Indian Red Cross Society (Bengal Branch) (Validation of Meetings and Elections) Ordinance, XVI of 1952	...	1
The West Bengal Jute Goods (Amendment) Ordinance, XVII of 1952	...	2
The Gangasagar Mela Ordinance, I of 1953	...	3
The West Bengal Security (Amendment) Ordinance, II of 1953	...	3
The Bengal Municipal (Amendment) Ordinance, III of 1953	...	38
The Calcutta University (Amendment) Ordinance, IV of 1953	...	39
The Contingency Fund of West Bengal (Amendment) Ordinance, V of 1953	...	51
The Calcutta University (Extension of Term of Office of First Vice-Chancellor) Ordinance, VI of 1953	...	51

PART X NOTIFICATIONS, WEST BENGAL GOVERNMENT & CALCUTTA HIGH COURT

[Pages 1 to 46]

	Page
Bengal Amusements Tax Act, 1922, notification under section 11(1)	17
Bengal Electricity Duty Rules, 1935—amendment in	36
Bengal Excise Act, 1909, amendments in the Rules for the regulation of the transaction of business by the Excise Licensing Boards	37
Bengal Finance (Sales Tax) Act, 1941— addition to the Schedule	43
amendments in the Bengal Sales Tax Rules, 1941 ... 5, 6, 16(3)(4)(5),	17, 42
Bengal Foodgrains (Disposal and Acquisition) Order, 1947, specifying exemptions under para. 3(2)	36
Bengal Industrial Disputes Rules, 1947—amendments in	2
Bengal Motor Vehicles Rules, 1940—amendments in	34
Bengal Municipal Act, 1932, amendment in the rules	16
amendment in Schedule IV	28
Bengal Rationing Order, 1943—amendments in certain notifications	35
Bengal Shops and Establishments Act, 1940, applied to municipal area of Bongaon	16
Calcutta Municipal Act, 1951—	
Calcutta Corporation (Conduct of Elections of Councillors) Rules, 1952—amendments in	35
Calcutta Municipal Electoral (Preparation and Publication and Revision and Republication of Electoral Rolls) Rules, 1952	6
Rules framed under section 23(2)	44
Essential Supplies (Temporary Powers) Act, 1946—	
West Bengal Cotton Cloth and Yarn Control Order, 1948—amendment in	15
West Bengal Rice Mills Control Order, 1949—amendment in	27
Legal Practitioners Act, 1879—amendment in the rules relating to enrolment of legal practitioners	15
Opium Act, 1878—amendment in the Rules	43
Rehabilitation of Displaced Persons in Unauthorized Occupation of Land Rules, 1951—amendments in	1
Waste Lands (Requisitioning and Utilization) Rules, 1953	40
West Bengal Animal Slaughter Act, 1950, amendment in the Rules	31
West Bengal Cement Control Act, 1948, amendments in the Orders	30, 31
West Bengal Essential Foodstuffs Anti-Hoarding Order, 1951, amendment in	32, 33
West Bengal Fire Services Act, 1950, rule under S. 40(1)	43
West Bengal Foodgrains Control Order, 1951, amendments in	41, 42
West Bengal Foodgrains (Intensive Procurement) Order, 1952—amendments in Notification No. 11214F. D., dated the 15th November 1953	27
empowering certain officers to hear and decide appeals	31
West Bengal Kerosene Order, 1947, amendments in	29, 32
West Bengal Opium (Restriction) Rules, 1952	14
amendments in	35, 43
date of commencement	15
West Bengal Rice Mills Control Order, 1949, amendments in	33, 34
authorising certain officers to exercise powers	27
authorising officers to perform functions of the Commissioner	28
prescribing fees for the issue and renewal of licenses	34

Part X—Notifications, West Bengal Government & Calcutta High Court—Contd.

	Page
West Bengal Soft Coke Distribution Order, 1947, amendment in...	29.30(1)
date of enforcement in Districts of West Dinajpur and Malda...	30 (2), 31
extending date for filing applications for renewal of licenses ..	30(3) (4)

PART XI**MADHYA PRADESH ACTS**

[Pages 1 to 18.]

Page

The Madhya Pradesh Irrigation (Amendment) Act, I of 1953	...	1
The Madhya Pradesh Irrigation (Second Amendment) Act, II of 1953	...	1
The Madhya Pradesh Suppression of Immoral Traffic Act, III of 1953	...	1
The Madhya Pradesh Temporary Postponement of Execution of Decrees Act, IV of 1953.	...	5
The Madhya Pradesh Recovery of Arrears of Land Revenue and Rent Act, V of 1953	...	7
The Madhya Pradesh Animal Preservation (Amendment) Act, VI of 1953	...	10
The Madhya Pradesh Local Government (Amendment) Act, VIII of 1953	...	11
The Court-fees (Madhya Pradesh Amendment) Act, IX of 1953	...	11
The Madhya Pradesh Sale of Khaddar Act, X of 1953	...	13
The Madhya Pradesh Tobacco (Amendment) Act, XI of 1953	...	16
The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) (Amendment) Act, XII of 1953	...	16
The Nagpur Corporation and Jabbalpore Corporation (Amendment) Act, XIV of 1953	...	17

PART I

Notifications-Central Government

Published in the *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated 21st October 1952.
MINISTRY OF LAW

S. R. O. 1742.—New Delhi, the 21st October, 1952.—In exercise of the powers conferred by section 169 of the **Representation of the People Act, 1951** (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :—

In rule 116 of the said Rules—

(i) in sub-rule (1), for the words "The Election Commission shall cause to be prepared in such manner as it may direct," the words "The Election Commission in respect of elections to either House of Parliament, and the Chief Electoral Officer of each State in respect of elections to the Legislative Assembly and the Legislative Council if any, of the State or, as the case may be, of primary elections in the State, shall cause to be prepared in such manner as the Election Commission may direct," shall be substituted; and

(ii) in sub-rule (2)—

(a) after the words "Election Commission", the words "and the Chief Electoral Officers" shall be inserted;

(b) the words "through the Chief Electoral Officer" shall be omitted.

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated 25th October 1952.
MINISTRY OF LAW

S. R. O. 1788.—New Delhi, the 25th October, 1952.—In exercise of the powers conferred by section 169 of the **Representation of the People Act, 1951** (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes, with effect from the 15th December, 1952 the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :

In the said Rules,—

1. In rule 48—

(a) in sub-rule (1), paragraph (ii) shall be omitted and in paragraph (v), for the Second and Third sentences, the following shall be substituted, namely :—

"All the ballot boxes used at a polling station shall be opened, and the counting of the ballot papers found in those boxes proceeded with at the same time as far practicable."

(b) for sub-rule (3), the following sub-rule shall be substituted, namely :—

"(3) After the counting of ballot papers contained in all the ballot boxes of all the polling stations and of the votes recorded on postal ballot papers has been completed, the Returning Officer shall record in the statement in Form 14 the total number of votes polled by each candidate, and otherwise complete and sign the statement."

[For Form 14, see *Gazette of India*, Extraordinary, No. 147, p. 904. *Editor.*]

Published in the *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated 31st October 1952.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 1825.—New Delhi, the 31st October, 1952—In pursuance of the provisions of sub-clause (3) of clause 1 of the **Foodgrains (Licensing and Procurement) Order, 1952** and in partial modification of the Notification of the Government of India in the Ministry of Food and Agriculture (Food) No. S.R.O. 1183, dated the 9th July, 1952, the Central Government hereby directs that the said Order shall come into force in the State of Madras, on the 31st October, 1952.

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated 15th November 1952.

MINISTRY OF LAW

S. R. O. 1903.—New Delhi, the 15th November, 1952—The following Order made by the President is published for general information :—

C.O. 43

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) SECOND AMENDMENT ORDER, 1952.

In exercise of the powers conferred by clause (1) of article 370 of the Constitution of India, the President in consultation with the Government of the State of Jammu and Kashmir, is pleased to make the following Order :—

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1952.

(2) It shall come into force on the 17th day of November, 1952.

2. At the end paragraph 3 of the Constitution (Application to Jammu and Kashmir) Order, 1950 (hereinafter referred to as "the principal Order"), there shall be added the words "and to the modification that all references in the said provisions to the Rajpramukh shall be construed as references to the Sadar-i-Riyasat of Jammu and Kashmir".

3. In the Second Schedule to the principal Order.—

(a) in the entry in the second column relating to Part XIX, after the figures "365" the words, brackets and figures "and clause (21) of article 366" shall be inserted ; and.

(b) in the entry in the second column relating to Part XXI, for the figures "and word "376 and 378" the figures and word "376, 378 and 386" shall be substituted.

S. R. O. 1904.—The following Declaration made by the President is notified for general information :—

C.O. 44

DECLARATION UNDER ARTICLE 370(3) OF THE CONSTITUTION

In exercise of the powers conferred by clause (3) of article 370 of the Constitution of India, the President, on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir, is pleased to declare that, as from the 17th day of November, 1952, the said article 370 shall be operative with the modification that for the "*Explanation*" in clause (1) thereof the following *Explanation* is substituted, namely :—

"*Explanation*.—For the purposes of this article, the Government of the State means the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office."

Published in *Gazette of India*, Part II-Sec. 3, dated 15th November 1952.

MINISTRY OF STATES

S. R. O. 1865.—New Delhi, the 11th November 1952—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Manipur, the Land Improvement Loans Act, 1883 (Act XIX of 1883) as at present in force in the State of Assam, subject to the modifications specified below :—

Modifications

1. Throughout the Act—
for the words “State Government” the words “Chief Commissioner” shall be substituted.

2. for sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

“(2) It shall come into force at once”.

ANNEXURE

The Land Improvement Loans Act, 1883 (Act XIX of 1883) as amended by this notification.

[For remaining portion see *Gazette of India*, 1952, Pt. II-Sec. 3, pages 1667-69. *Editor.*]

MINISTRY OF WORKS, HOUSING AND SUPPLY

S. R. O. 1893.—New Delhi, the 8th November 1952—In pursuance of clause (b) of section 2 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (XXX of 1952), the Central Government hereby authorises the District Magistrate, Ajmer and the Additional District Magistrate Ajmer to perform the functions of a competent authority under the said Act for the whole of the State of Ajmer.

Published in the *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated the 22nd November 1952.

MINISTRY OF FINANCE

New Delhi, the 17th November 1952.

S. R. O. 1809.—In exercise of the powers conferred by sub-section (1) of section 52 of the **Banking Companies Act, 1949** (X of 1949), the Central Government hereby directs that the following further amendments shall be made in the Banking Companies Rules, 1949, the same having been previously published as required by sub-section (3) of the said section, namely :—

In the said Rules—

1. In rule 1 after sub-rule (1), the following sub-rule shall be inserted, namely :—

“(1A) They extend to the whole of India except the State of Jammu and Kashmir”.

2. In sub-rule (1) of rule 2, after clause (e), the following clause shall be inserted, namely :—

“(f) ‘commencement of these rules’ means—

(i) in the case of merged territories in Part A States, the States of Hyderabad, Mysore, Travancore-Cochin, Bhopal, Manipur and Tripura and those parts of the State of Rajasthan which formerly comprised the Indian States of Jaipur, Bikaner, Jaisalmer and Jodhpur, such date or dates as the Central Government may by notification in the Official Gazette specify in this behalf.

(ii) in any other case, the 26th day of March 1949”.

S. R. O. 1910.—In pursuance of the provisions of sub-clause (i) of clause (f) of sub-rule (1) of rule 2 of the **Banking Companies Rules, 1949** the Central Government hereby specifies the 22nd November 1952 as the date on which the said Rules shall come into force in the areas referred to in the said sub-clause.

MINISTRY OF COMMERCE AND INDUSTRY

S. R. O. 1915.—New Delhi, the 19th November 1952—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the **Iron and Steel (Control of Production and Distribution) Order, 1941**, the Central Government is pleased to authorise the Steel Controller, Government of Madhya Pradesh, to exercise the powers of the Controller under Clause 11-D of the said Order, within the State of Madhya Pradesh.

S. R. O. 1916 —In exercise of the powers conferred by sub-clause (b) of Clause 2 of the **Iron and Steel (Scrap Control) Order, 1943**, the Central Government is pleased to authorise the Steel Controller, Government of Madhya Pradesh, to exercise the powers of the Controller under Clause 5-C of the said Order, within the State of Madhya Pradesh.

MINISTRY OF LABOUR

S. R. O. 1945.—New Delhi, the 17th November 1952—In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following further amendments shall be made in the **Industrial Disputes (Central) Rules, 1947**, the same having been previously published as required by sub-section (1) of the said section, namely :—

Amendments

In the said Rules—

1. After rule 51A, the following rule shall be inserted, namely :—

51B. *Application for permission under section 33.*—(1) An employer intending to obtain the express permission in writing of the conciliation officer, Board or Tribunal, as the case may be, under section 33 shall present an application in Form DDI in triplicate to such conciliation officer, Board or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

(2) Every application under sub-rule (1) shall be verified at the foot by the employer making it or by some other person proved to the satisfaction of the conciliation officer, Board or Tribunal to be acquainted with the facts of the case.

(3) The person verifying shall specify, by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified."

2. In the Schedule after Form DD the following Form shall be inserted, namely :—

FORM DDI

(See Rule 51)

Before (here mention the conciliation officer, Board or Tribunal)
Application for permission under section 33 of the Industrial Disputes Act, 1947 (XIV of 1947)

A Applicant

Address :—

Versus

B Opposite Party (ies)

Address (es) :—

The abovementioned applicant begs to state as follows :—

(here set out the relevant facts and circumstances of the case and the grounds on which the permission is sought for)

The applicant therefore prays that the express permission may kindly be granted to him to take the following action, namely :—

(here mention the action specified in clause (a) or clause (b) of section 33)

Signature of the applicant.

Dated this.....day of.....195

Space for verification

(Signature of the person verifying)

Date (on which the verification was signed).....

Place (at which the verification was signed).....

Published in the *Gazette of India*, Part II-Section 3, dated the 29th November 1952.

CENTRAL BOARD OF REVENUE

S. R. O. 1953.—New Delhi, the 20th November 1952—In exercise of the powers conferred by sub-section (1) of section 59 of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Board of Revenue hereby directs that the following further amendments shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely :—

In the said Rules—

(1) In rule 2, for the second and third paragraphs the following shall be substituted, namely :—

“Such application shall be signed by all the partners (not being minors personally, or in the case of a dissolved firm by all persons (not being minors) who were partners in the firm immediately before dissolution and by the legal representative of any such partner who is deceased, and shall, for any year of assessment upto and including the assessment for the year ending on the 31st day of March, 1953, be made before the 20th February 1953, and for any year of assessment subsequent thereto, be made—

(a) where the firm is not registered under the Indian Partnership Act, 1932 (IX of 1932) or where the deed of partnership is not registered under the Indian Registration Act, 1908 (XVI of 1908), and the application for registration is being made for the first time under the Act,

(i) within a period of six months of the constitution of the firm or before the end of the ‘previous year’ of the firm whichever is earlier, if the firm was constituted in that previous year.

(ii) before the end of the previous year in any other case,

(b) where the firm is registered under the Indian Partnership Act, 1932 (IX of 1932) or where the deed of partnership is registered under the Indian Registration Act, 1908 (XVI of 1908), before the end of the previous year of the firm, and

(c) where the application is for renewal of registration under Rule 6 for any year, before the 30th day of June, of that year :

Provided that the Income-tax Officer may entertain an application made after the expiry of the time-limit specified in this rule, if he is satisfied that the firm was prevented by sufficient cause from making the application within the specified time.

2. In rule 3,—

(i) the words “the proviso to” shall be omitted,

(ii) in paragraph 3 of Form I annexed to the said rule, for the words "previous year were" the words "previous year were/will be" shall be substituted,

(iii) to the heading of section B of the Schedule to the form annexed to the said rule, the brackets and words "(applicable where the application is made after the end of the relevant previous year)" shall be added at the end.

3. In rule 6, for the words beginning with the words "the application shall be made" and ending with the words and figure "Rule 2" the following shall be substituted, namely :—

"The application shall be made before the 30th day of June of the year for which assessment is to be made provided that the Income-tax Officer may entertain an application made after the expiry of the said date, if he is satisfied that the firm was prevented by sufficient cause from making the application before that date."

Published in the *Gazette of India*, Pt. II-Sec. 4, dated 25th October 1952.

MINISTRY OF DEFENCE

S. R. O. 332.—New Delhi, the 25th October 1952—In exercise of the powers conferred by section 13 of the **Indian Soldiers (Litigation) Act, 1925** (IV of 1925), the Central Government, after consulting the High Courts concerned hereby directs that the following further amendments shall be made in the Indian Soldiers (Litigation) Rules, 1938, namely :—

In the said Rules—

(1) In rule 1, sub-rule (2) shall be omitted.

(2) In the Schedule, in Forms A, C and D for words—

"I have the honour to be,

Sir,

Your most obedient servant,"

the words "Yours faithfully" shall be substituted.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 6th December 1952.

MINISTRY OF EXTERNAL AFFAIRS

S. R. O. 1990.—New Delhi, the 22nd November 1952—In exercise of the powers conferred by sub-section (1) of section 213 of the **Indian Merchant Shipping Act, 1923** (XXI of 1923), the Central Government hereby directs that the following further amendment shall be made in the Indian Pilgrim Ships Rules, 1943, the same having been previously published as required by sub-section (3) of the said section, namely :—

In the footnote relating to affixation of photograph in Form V of the Forms appended to the said Rules, after the words "photographed" the words "*and children under ten years of age*" shall be inserted.

MINISTRY OF FINANCE (REVENUE & EXPENDITURE) DEPARTMENT)

S. R. O. 1991.—New Delhi, the 27th November 1952—In exercise of the powers conferred by section 60A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government hereby makes the following amendments in the Part B States (Taxation Concessions) Order, 1950.

Paragraph 15 of the said Order shall be re-numbered as sub-paragraph (1) of that paragraph and after sub-paragraph (1) as so re-numbered; the following sub-paragraph shall be inserted, namely :—

"(2) Where an assessee is in receipt of any interest on $3\frac{1}{2}$ per cent. debentures 1959-62 of the Trichur Municipality on which income-tax has been paid by the said municipality at the maximum rate such interest

shall, for the purposes of any assessment for the year ending on the 31st day of March, 1951, and any subsequent year, be deemed to be interest on securities in respect of which no income-tax is payable under section 8 of the Act."

MINISTRY OF REHABILITATION

S. R. O. 2000.—New Delhi, the 27th November 1952.—In exercise of the powers conferred by section 57 of the **Displaced Persons (Debts Adjustment) Act, 1951** (LXX of 1951), the Central Government hereby makes the following rules :—

1. These rules may be called the Insurance Claims Board Rules, 1952.
2. In these rules,—
 - (a) "the Act" means the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951) ;

- (b) "the Board" means the Insurance Claims Board constituted under rule 3.

3. (1) For the purposes of sub-section (2) of section 18 of the Act, there shall be constituted a Board called the Insurance Claims Board which shall consist of six members nominated by the Central Government as follows :—

- (a) three members to represent respectively the Ministries of Law, Finance and Rehabilitation of the Government of India ;

- (b) two members to represent respectively the members and associate members of the General Insurance Council ; and

- (c) one member to represent the displaced persons.

- (2) The person nominated to represent the Ministry of Law shall be the Chairman of the Board.

4. In making any proposal to the Tribunal respecting the amount for which any claim against an insurance company shall be decreed, the Board shall take into account the following matters, namely :—

- (i) the amount of loss determined by the Tribunal ;

- (ii) the total amount of losses determined by the Tribunal under claims preferred against the insurance company under the Act ;

- (iii) the financial position of the insurance company, as disclosed to the Board on the basis of information supplied by the insurance company (whether *suo motu* or on a request made in that behalf by the Board) or on the basis of information available to the Board from any other source ;

- (iv) the extent to which reinsurances ceded by the company would be available to meet decrees which may be passed against the company under sub-section (2) of section 18 of the Act, and the liability on account of the reinsurances accepted by the company on policies which the company may have to meet under the said sub-section if claims with respect thereto are decreed ;

- (v) subject to the provisions contained in the Act, the practice and principles normally prevailing in the insurance business in respect of such claims.

5. The Board shall, after taking into account the matters specified in rule 4 and any other matter which in its opinion is relevant for the purpose, propose to the Tribunal the amount for which, in its opinion, it is equitable to pass a decree against the insurance company :

Provided that in no case shall an amount be proposed which is in excess of the value of the property insured.

6. Subject to the approval of the Central Government, the Board may sit at such places as it thinks fit for the exercise of its functions under the Act and these rules, and shall follow such procedure as the Chairman may, by general or special order, direct.

7. In the event of any difference of opinion among the members of the Board with respect to any proposal to be made to the Tribunal, the opinion of the majority shall prevail, and if the opinion of the Board is evenly divided the opinion of the Chairman shall prevail.

8. The members nominated under clauses (b) and (c) of sub-rule (1) of rule 3 shall be entitled to travelling and daily allowances at the maximum rates at which they are admissible to officers of Grade I of the Central Government.

9. No proposal of the Board shall be invalid by reason only—

(a) of the existence of any vacancy in the Board, or

(b) of any change having occurred in the constitution of the Board.

S. R. O. 2001.—New Delhi, the 29th November 1952—In exercise of the powers conferred by section 13 of the **Evacuee Interest (Separation) Act, 1951** (LXIV of 1951), the Central Government hereby appoints Shri Basant Krishan Khanna B.A., LL B, as Appellate Officer for the States of Delhi, Ajmer, Himachal Pradesh, Vindhya Pradesh, Bhopal, Kutch, Coorg and Bilaspur.

MINISTRY OF TRANSPORT

S. R. O. 2003.—New Delhi, the 24th November 1952—In exercise of the powers conferred by section 2 of the **Part C States Laws Act, 1950** (XXX of 1950), the Central Government hereby extends the United Provinces Roadside Land Control Act, 1945 (The United Provinces Act X of 1945), as at present in force in the State of Uttar Pradesh, to the State of Bilaspur, subject to the following modifications, namely:—

Modifications

1. Throughout the Act for the words 'State Government' wherever they occur, the words "Chief Commissioner" shall be substituted.

2. For sub-section (2) of section 1, the following sub-section shall be substituted, namely:—

"(2) It shall extend to the whole of the State of Bilaspur".

3. For clause (iii) of section 9, the following clause shall be substituted, namely:—

(iii) The market value of the land shall be assessed as if no declaration under sub-section (1) of section 3 had been made in respect of the area in which it is situated and no restrictions upon its use and development had been imposed, any compensation already paid to the claimant or to any of his predecessors in interest for injurious affection being deducted from the market value as so assessed".

4. For sub-section (3) of section 17, the following sub-section shall be substituted, namely:—

"(3) All rules made under this section shall be subject to the condition of previous publication and the provisions of section 23 of the General Clauses Act, 1897, shall apply as if this were a Central Act".

5. 'The Schedule' shall be omitted.

ANNEXURE

[For Annexure see Gazette of India, 1952, Pt. II-Sec. 3, pages 176-70. *Editor.*]

MINISTRY OF WORKS HOUSING AND SUPPLY

S. R. O. 2007.—New Delhi, the 16th November 1952—In exercise of the powers conferred by sub-section (1) of section 17 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (XXX of 1952), the Central Government hereby directs that the powers exercisable by it by or under section 6 of the said Act in respect of properties requisitioned by it shall be exercisable also by a competent authority, being an officer subordinate to that Government, within the limits of his jurisdiction.

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 18th December 1952.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 18th December, 1952

S. R. O. 2075.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order, namely :—

1. *Short title, extent, duration and commencement.*—(1) This Order may be called the **Cotton Seed (Control) Order, 1952.**

(2) It extends to the State of Bombay.

(3) It shall remain in force for a period of three months from the date of its commencement.

(4) It shall come into force at once.

2. *Definition.*—In this Order, 'Controlled area' means the district of East Khandesh in the State of Bombay.

3. *Prohibition of removal of cottonseed from Controlled area.*—No person shall remove by road, rail, water or air any quantity of cottonseed from any place within the Controlled area to any other place outside that area within the State of Bombay except under and in accordance with the conditions of a permit granted by the Secretary to the Government of Bombay, Civil Supplies Department, or any officer authorised by him in this behalf :

Provided that no such permit shall be necessary in respect of removal of cotton seed on behalf of Government or under a military credit note.

4. *Forfeiture of property.*—If any person contravenes the provisions of clause 3, then without prejudice to any punishment to which he may be liable, any court trying the offence may order that any stocks of cottonseed in respect of which the court is satisfied that that clause has been contravened, shall be forfeited.

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 23rd December 1952.

MINISTRY OF FINANCE

New Delhi, the 23rd December 1952

S. R. O. 2119.—In exercise of powers conferred by section 53 of the **Banking Companies Act, 1949** (X of 1949), and on the recommendation of the Reserve Bank of India, the Central Government hereby declares that the provisions of note (f) appended to Form A in the Third Schedule to the said Act, shall not apply, in respect of the valuation of investments in Government securities for the purpose of preparing the balance sheet as on the last working day of the year 1952 to any banking company the value of whose investments in such securities as shown in the outer column of the balance sheet is higher than the market value and the balance sheet of which shows separately in brackets the average market value of the said investments over the period of eighteen months immediately preceding the last working day of the year 1952, computed in accordance with the average market value over the said period as determined in respect of each Government security by the Reserve Bank of India.

Published in the *Gazette of India*, Extraordinary, Part II-Section 4, dated the 1st January 1953.

MINISTRY OF DEFENCE

S. R. O. 9.—New Delhi, the 1st January, 1953—In exercise of the powers conferred by sub-section (1) of section 2 of the **Armed Forces**

(Emergency Duties) Act, 1947 (XV of 1947), the Central Government hereby declares the transport of foodgrains and other essential civil supplies in Greater Bombay as a service of vital importance to the community with effect from the 1st January 1953.

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 3rd January 1953.

MINISTRY OF COMMERCE & INDUSTRY

New Delhi, the 3rd January 1953

S. R. O. 33.—In exercise of the powers conferred by sub-section (3) of section 1 of the **Indian Power Alcohol Act, 1948** (XXII of 1948), the Central Government hereby specifies the 7th day of January, 1953, as the date on which the said Act shall come into force in the State of Delhi.

S. R. O. 34.—In exercise of the powers conferred by section 6 of the **Indian Power Alcohol Act, 1948** (XXII of 1948), the Central Government hereby directs that with effect from the 7th day of January, 1953, no petrol shall be sold or kept for sale in the State of Delhi except with the admixture of power alcohol in the proportion of 20 parts by volume of power alcohol to 80 parts by volume of petrol.

Published in the *Gazette of India*, Part II-Section 3, dated the 3rd January 1953.

MINISTRY OF WORKS, HOUSING AND SUPPLY

S. R. O. 21.—New Delhi, the 29th December, 1952—In exercise of the powers conferred by sub-section (1) of section 17 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (XXX of 1952), and clause (i) of article 258 of the Constitution of India, the Central Government hereby directs that the powers exercisable by it by or under sections 6 and 7, by or under section 8 except clause (b) of sub-section (1) and by or under section 13 of the said Act shall be exercisable also by all the Collectors in the State of Bombay in respect of any property situated within their respective jurisdiction, provided that the powers under section 8 of the said Act in so far as it relates to fixing compensation by agreement shall not be exercised except with the previous concurrence of the Central Government.

2. The Central Government hereby further directs that the powers exercisable by it by or under clause (b) of sub-section (1) of section 8 of the said Act shall be exercisable also by the Government of Bombay in respect of any property situated within the State of Bombay.

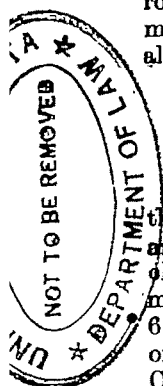
MINISTRY OF LABOUR

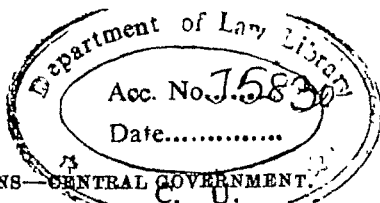
New Delhi, the 24th December 1952

S. R. O. 22.—In exercise of the powers conferred by section 16 of the **Tea Districts Emigrant Labour Act, 1932** (XXII of 1932), the Central Government hereby declares that, with effect from the 1st March, 1953, the area comprised within the former Cooch Behar State in the State of West Bengal, shall be a controlled emigration area.

S. R. O. 23.—In exercise of the powers conferred by sub-section (1) of section 17 of the **Tea Districts Emigrant Labour Act, 1932** (XXII of 1932), the Central Government hereby empowers the Deputy Commissioner, Cooch Behar, in the State of West Bengal, to grant licence to any person to act as a local forwarding agent within the limits of his district, on behalf of an employer or employers of labourers.

S. R. O. 24.—In exercise of the powers conferred by sub-section (3) of section 36 of the **Tea Districts Emigrant Labour Act, 1932** (XXII of 1932), the Central Government hereby invests the Deputy Commissioner,





of Cooch Behar, and the Sub-Divisional Magistrate of each of the sub-divisions of Cooch-Bihar Sadar, Dinbata, Mathabhanga, Tufanganj, and Mekhaganj in the State of West Bengal, with the powers of the Controller under sub-clauses (iv) and (v) of clause (a) and clauses (b), (c) and (d) of section 4 and under sections 33, 34 and 35 of the Act in respect of his district or sub-division, as the case may be.

S. R. O. 25.—In exercise of the powers conferred by sub-section (4) of section 36 of the **Tea Districts Emigrant Labour Act, 1932 (XXII of 1932)**, the Central Government hereby invests the Civil Surgeon of the Cooch Behar District, with the powers of the Controller under sub-section (1) of section 33 and sub-section (1) of section 35 of the said Act, to be exercised within his jurisdiction.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 10th January 1953.
MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 3rd January 1953

S. R. O. 61.—In exercise of the powers conferred by section 10 of the **Indian Power Alcohol Act, 1948 (XXII of 1948)**, the Central Government hereby directs that the following further amendments shall be made in the Indian Power Alcohol Rules, 1950, namely :—

In the said Rules—

1. In clause (c) of rule 2, the words "and includes, in the State of Punjab, the Deputy Excise and Taxation Commissioner of the Division with reference to the districts under his charge and the Excise and Taxation Officer or the Assistant Excise and Taxation Officer in charge of the district, as the case may be" shall be inserted at the end.

In rule 56, the following proviso shall be added at the end, namely :—

2. "Provided that in the case of the State of Punjab this power shall be exercisable only by an officer of the Central Government not below the rank of Deputy Development Officer (Power Alcohol) and an officer of the Excise Department of the State not below the rank of Deputy Excise and Taxation Commissioner".

New Delhi, the 7th January 1953.

S. R. O. 63.—In exercise of the powers conferred by section 25 of the **Rubber (Production and Marketing) Act, 1947 (XXIV of 1947)**, the Central Government hereby directs that the following further amendment shall be made in the Rubber (Production and Marketing) Rules, 1947, namely :—

The words "at a meeting" in the proviso to sub-rule (3) of rule 17 of the said Rules shall be omitted.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 71.—New Delhi, the 10th January 1953.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946)**, the Central Government hereby directs that the following amendment shall be made in the Vegetable Oil Products Control Order, 1947, namely :—

In sub-clause (1) of clause 5 of the said Order after the words "vegetable oil products" the words "and the maintenance of records relating to the same" shall be inserted.

MINISTRY OF INFORMATION AND BROADCASTING

S. R. O. 85.—New Delhi, the 29th December 1952.—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the **Cinematograph Act, 1952 (XXXVII of 1952)**, the Central Government hereby directs that the following further amendment shall be made in the Cinematograph (Censorship) Rules, 1951 :—

"After rule 6, the following rule shall be inserted, namely :—

"6A. *Saving clause.*—No act or proceeding of the Board shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board."

MINISTRY OF PRODUCTION

S. R. O. 87.—New Delhi, the 30th December 1952.—In exercise of the powers conferred by section 17 read with section 19 of the **Coal Mines (Conservation and Safety) Act, 1952** (XII of 1952), the Central Government hereby makes the following further amendment in the Coal Mines Safety (Stowing) Rules, 1939, the same having been previously published as required by sub-section (1) of section 17, namely :—

• After sub-rule (2) of rule 30 of the said Rules, the following sub-rule shall be added, namely :—

"(3) A similar refund on the conditions mentioned in sub-rule (2) may be allowed in respect of the duty of excise collected on raw coal during its transport to washery in cases where the duty of excise is again collected on the washed coal sent from the washery to the consuming centres.

provided that—

(a) no claim for such refunds under sub-rules (2) and (3) shall be entertained unless it is preferred within one year from the end of the quarter to which the claim relates ;

(b) refunds under sub-rules (2) and (3) shall be allowed after deduction of such percentage as the Central Government may, by general or special order, fix as the cost of collection of such duty."

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 31st December 1952.

S. R. O. 90. — In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the **Petroleum Act, 1934** (XXX of 1934), the Central Government hereby directs that the following further amendment shall be made in the Petroleum Rules, 1937, the same having been previously published as required by sub-section (2) of the said section 29, namely :—

In the proviso to rule 2A of the said Rules, for the figures '1952' the figures '1953' shall be substituted.

S. R. O. 91.—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the **Petroleum Act, 1934** (XXX of 1934), as applied to the Carbide of Calcium by the notifications of the Government of India in the late Ministry of Works, Mines and Power No. M-II-104(4), dated the 24th January, 1951, and in the late Ministry of Works, Production and Supply No. M. 128(9) (vii), dated the 18th May, 1951, the Central Government hereby directs that the following further amendment shall be made in the Carbide of Calcium Rules 1937, the same having been previously published as required by sub-section (2) of the said section 29, namely :—

In the proviso to rule 2A of the said Rules, for the figures '1952' the figures '1953' shall be substituted.

S. R. O. 92.—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the **Petroleum Act, 1934** (XXX of 1934), as applied to the storage and transport of cinematograph films having nitrocellulose base by the notifications of the Government of India in the late Ministry of Works, Mines and Power No. M. II-104(3), dated the 24th January 1951, and in the late Ministry of Works Production and Supply No. M. 128(9)(iv), dated the 18th May 1951, the Central Government hereby directs that the following further amendment shall be made in the

Cinematograph Film Rules, 1948, the same having been previously published as required by sub-section (2) of the said section 29, namely :—

In the proviso to rule 2A of the said Rules, for the figures “1952” the figures “1953” shall be substituted.

MINISTRY OF LABOUR.

New Delhi, the 31st December 1952.

S. R. O. 98.—In exercise of the powers conferred by section 58 of the **Mines Act, 1952** (XXXV of 1952), the Central Government hereby makes the following amendment to the Coal Mines Rescue Rules, 1939, the same having been previously published as required by sub-section (1) of section 59 of the said Act, namely :—

In rule 19 of the said rules, for the proviso the following proviso shall be substituted, namely :—

“Provided that, when it is proved to the satisfaction of the Committee or any person authorised in this behalf by the Committee, that any coal, on which the duty of excise had previously been collected :

(a) has been used in the manufacture of any coke ; or

(b) has been sent to the washery ;

and that duty has also been collected on such coke or the washed coal, as the case may be, the Committee or the authorised person may order refund to the person from whom such duty was collected of an amount equal to the duty of excise collected on the original coal less deduction of such percentage of the duty as the Central Government may, by general or special order, specify as the cost of collection of the duty :

Provided further that no claim for any such refund shall be entertained unless it is preferred within one year from the end of the quarter to which the claim relates.”

S. R. O. 99 —In exercise of the powers conferred by section 10 of the **Coal Mines Labour Welfare Fund Act, 1947** (XXXII of 1947), the Central Government hereby makes the following further amendment to the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely :—

In rule 30 of the said Rules, after sub rule (2), the following sub-rule shall be inserted, namely :—

“(3) A refund of duty of excise of the nature specified in sub-rule (2) may, subject to the like conditions, be also allowed in respect of the duty of excise collected on raw coal during the course of its transport to the washery where the duty of excise is again collected on the washed coal sent from the washery to the consuming centres.”

S. R. O. 100.—In exercise of the powers conferred by section 10 of the **Coal Mines Labour Welfare Fund Act, 1947** (XXXII of 1947), the Central Government hereby makes the following further amendment in the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely :—

In the second proviso to rule 31A of the said Rules after the word ‘room’, the words ‘other than a store room’, shall be inserted.

New Delhi, the 6th January 1953.

S. R. O. 102 —In exercise of the powers conferred by section 10 of the **Coal Mines Labour Welfare Fund Act, 1947** (XXXII of 1947), the Central Government hereby directs that the following further amendment shall be made in the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely :—

After rule 37 of the said Rules, the following rule shall be inserted, namely :—

“37A. Despatches of coal or coke which have escaped assessment.—
If—

(a) the Commissioner has reason to believe that by reason of the concealment by the owner of the particulars of despatches of coal or coke from any colliery, such despatches have escaped excise duty ; or

(b) notwithstanding there has been no such concealment of particulars as is mentioned in clause (a) on the part of the owner, the Commissioner has, in consequence of information in his possession, reason to believe that any despatches of coal or coke from a colliery have escaped excise duty ; the Commissioner may, in cases falling under clause (a) at any time within four years, and in cases falling under clause (b) at any time within two years of the end of the month the return in respect of which should have included such despatches of coal or coke which have escaped assessment, assess the excise duty payable thereon and all the provisions of these rules shall apply to the excise duty so assessed as if such assessment were included in the final assessment of excise duty under rule 37 :

Provided that the Commissioner before exercising the powers conferred upon him under this rule shall give the owner a reasonable opportunity of being heard.”

New Delhi, the 31st December 1952.

S. R. O. 103.—In exercise of the powers conferred by section 95 of the **Employees' State Insurance Act, 1948** (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the **Employees' State Insurance (Central) Rules, 1950**, the same having been previously published as required by sub-section (1) of the said section.

After rule 2 of the said rules, the following rule shall be inserted, namely :—

“2A. *Election of members of Parliament to the Corporation.*—Each House of Parliament shall elect, in such manner as the Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may direct, a person from among its Members to be a Member of the Corporation.”

Published in the *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated 30th January 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 241.—New Delhi, the 30th January 1953—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Cottonseed (Control) Order, 1952**, namely :

“In clause 3 of the said order for the word ‘within’ where it occurs for the second time the word ‘whether within or outside’ shall be substituted.”

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 31st January 1953.

MINISTRY OF HOME AFFAIRS

New Delhi, the 22nd January 1953.

S. R. O. 220.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Delhi the **Bombay Essential Commodities and Cattle (Control) Act, 1946** (Bombay Act XXII of 1946), as at present in force in the State of Bombay, subject to the following modifications, namely :—

Modifications

1. Throughout the Act, except as otherwise provided,—

(a) for the word 'Bombay' except in the short title, the word 'Delhi' shall be substituted ;

(b) for the words 'State Government', the words 'Chief Commissioner' shall be substituted ;

(c) the words 'or deemed to be made' shall be omitted.

2. In section 1—

(a) in sub-section (3) for the words and figures 'on the first day of October 1946' the words 'at once' shall be substituted ;

(b) in sub-section (4) for the word 'eight' the word 'two' shall be substituted ;

3. In section 3 the words 'State Government' shall stand unmodified.

4. To section 4, the following provisos shall be added, namely :—

"Provided that nothing in this section shall empower the Chief Commissioner to make any order relating to the production or manufacture of cement, gunnies and Twine, oil engines and tiles (Mangalore Pattern):

Provided further that if any order made by the Chief Commissioner in relation to any of the commodities specified in the preceding proviso in respect of any matter other than the production and manufacture thereof is repugnant to any order made by the Central Government under section 16 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), then, the order made by the Central Government shall prevail and the order made by the Chief Commissioner shall, to the extent of the repugnancy be void".

5. Sections 5 and 8 shall be omitted.

6. In Schedule I—

(a) for item 1, the following item shall be substituted, namely :—

"1. Bricks used for building purposes "

(b) for item 19, the following item shall be substituted, namely :—

"19. Lime used for building purposes".

(c) items 20 and 21 shall be omitted.

The text of the said Act as modified is published as an annexure to the notification.

MINISTRY OF REHABILITATION

New Delhi, the 22nd January 1953.

S. R. O. 236.—In exercise of the powers conferred by section 23 of the **Evacuee Interest (Separation) Act, 1951 (LXIV of 1951)**, the Central Government hereby directs that the following further amendments shall be made in the **Evacuee Interest (Separation) Rules, 1951**, namely :—

In the said rules,—

(1) in rule 9, after the words 'may be filed' the words 'and the date of hearing' shall be inserted ;

(2) in sub-rule (2) of rule 11—

(i) in clause (c), the word 'or' shall be added at the end ;

(ii) after clause (c) as so amended, the following clause shall be inserted, namely :—

"(d) in such other manner as the Competent Officer may deem fit."

(3) for rule 11A, the following rule shall be substituted, namely :—

"11A. *Certain evidence regarding valuation of property to be admitted.*—Notwithstanding anything contained in the Indian Evidence Act, 1872 (I of 1872), or any other law for the time being in force, the competent officer shall, for the purpose of determining the money value of any composite property under section 8 of the Act, admit in evidence—

(a) in the case of agricultural land, a certified copy of the classified scales of land value prepared by any Government authority ; and

(b) in the case of any other immovable property, a certified copy of the proceedings before any officer of the Government relating to the determination of the money value of such property."

(4) in rule 11D, after clause (d) the following clause shall be inserted namely :—

"(e) from the sale proceeds such costs of, and incidental to, auctioning the composite property as may be specified shall be deducted before the sale proceeds are distributed between the Custodian and the claimant."

(5) in Form A, after item 5, the following item shall be inserted, namely :—

"6. The names and description of evacuees who have an interest in the composite property."

(6) in Form D :—

(a) after item 4, the following item shall be inserted :—

"4A. The names and description of evacuees who have an interest in the composite property."

(b) for the words 'signature of applicant' the words 'signature of claimant' shall be substituted.

(7) in Form F, in the second paragraph for the words 'You are hereby required, the words 'You may file a written statement in answer to the above claim on or before..... and you are hereby required' shall be substituted.

Published in the *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated 2nd February 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 242.—New Delhi, the 2nd February 1953—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Oilseeds (Removal of Control) Order, 1952**, namely :—

"In clause 2 of the said Order, the words 'other than the State of Hyderabad' shall be omitted."

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 14th February 1953.

MINISTRY OF HOME AFFAIRS

New Delhi, the 7th February 1953

S. R. O. 293.—In pursuance of clause (1) of article 239 of the **Constitution**, the President hereby directs that the Chief Commissioner of Delhi shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the Central Government under the provisions of the **Indian Power Alcohol Act, 1948** (XXII of 1948) in the State of Delhi

MINISTRY OF FINANCE

S. R. O. 295.—New Delhi, the 4th February 1953—In exercise of the powers conferred by sub-section (1) and (2) of section 114 of the **Insurance Act, 1938** (IV of 1938), the Central Government hereby directs that the following further amendments shall be made in the **Insurance Rules, 1939**, the same having been previously published as required by sub-section (1), of the said section, namely :—

In the said Rules.—

1. In rule 2,—

(a) in clause (iii) for the words "and Madhya Bharat" the words "Madhya Bharat and Bhopal" shall be substituted.

(b) in clause (iv) after the words "and Orissa" the words "and inclu-

ding the Andaman and Nicobar Islands" shall be inserted.

2 In rule 10B,—

(a) in clause (b) after the words "with banks" the brackets and words "(other than banks in liquidation)" shall be inserted ;

(b) after clause (g) the following clause shall be inserted, namely—

"(h) temporary advances granted to chief, special and insurance agents to the extent permitted under clause (b) of sub-section (3) of section 29 of the Act "

3 In rule 15,—

(a) in sub-rule (7) the words "Save as provided in sub-rule (8)" shall be omitted ;

(b) in sub rule (8) the words and figures "except when the total number of directors to be elected by policyholders under section 48 of the Act is only one" shall be omitted.

4. In rule 17D,—

(a) for item (iii) the following item shall be substituted, namely :—

"(iii) one-twentieth of one per cent. of the average of the total sums assured by policies on which no further premiums are payable (less re-insurances) at the beginning and end of the year";

(b) in the table under item (v) in the heading in the second column after the words and brackets "percentage of premiums (less reinsurance) received during the year" the words, figures and brackets "Other than premiums referred to in items (i) and (ii) above" shall be inserted.

(c) the Explanation to rule 17D shall be renumbered as Explanation I and after the Explanation as so renumbered the following Explanation shall be added, namely—

Explanation II : The duration of an insurer's life insurance business shall be reckoned from the beginning of the calendar year of commencement of the business if the date of commencement is in the first half of the year and from the end of the calendar year of each commencement if the date of commencement is in the second half of the year."

5. For rule 24B the following rule shall be substituted, namely—

"24B. *Fees payable to the Councils.*—(1) The fees payable by a member or associate member who is an insurer carrying on life insurance business to the Life Insurance Council in each calendar year shall be fifty rupees for every lakh of rupees or part thereof of his gross direct premium income from life insurance business in India in the last but one preceding calendar year subject to a maximum of one thousand and two hundred and fifty rupees.

(2) The fees payable by a member or associate member who is an insurer carrying on general insurance business to the General Insurance Council in each calendar year in respect of each class of general insurance business shall be seventy five rupees for every lakh of rupees or part thereof of his gross direct premium income in India in that class of general insurance business in the last but one preceding calendar year subject to a maximum of three thousand rupees for each class.

(3) Any fee specified in this rule shall be paid by means of a crossed bank draft on the Simla Branch of the Imperial Bank of India drawn in favour of the Secretary of the Council concerned."

6. In rule 32, in sub-rule (1), the words "at the time of making a nomination" and the proviso shall be omitted.

7. In the Schedule,—

(a) in Form III for the words "Ministry of Commerce, Government of India, New Delhi/Simla" the words "Département of Insurance, Simla" shall be substituted.

(b) in form V, in paragraph 3, after item (5), the following item shall be inserted, namely—

“(6) If the applicant holds a certificate to act as a Principal Agent and/or a Chief Agent and/or a Special Agent, state No. and date of expiry of the certificate or certificates held. If no certificate is held say Nil. If any such certificate has been applied for, state the date of the application.

(c) In form V-A after paragraph 2, the following paragraphs shall be inserted as paragraphs 3 and 4 and the existing paragraph 3 shall be renumbered as paragraph 5 :—

“3* I hold/have applied for a certificate to act as a	{	Principal Agent No. P. A.	expiring on
	{	Chief Agent No. C. A.	expiring on
	{	Special Agent No. S. A.	expiring on
4* I neither hold nor have applied for certificate to act as a	{	Principal Agent Chief Agent Special Agent”	

(d) in Form V-C in paragraph 3, after item (5), the following item shall be inserted, namely—

“(6) If the applicant holds a license to act as an Insurance Agent and/or a certificate or certificates to act as a Principal Agent and/or a Chief Agent and/or a Special Agent, state No. and date of expiry of license and/or certificate or certificates held. If no license or certificate is held, say Nil. If a license or certificate has been applied for, state the date of the application.”

(e) in Form V-D,—

(i) below the word “Form” the following shall be inserted, namely—

“Mr./Mrs./Miss/Messrs.”

(ii) after paragraph 3, the following paragraph shall be inserted as paragraphs 4 and 5—

“4* I/we hold/have applied for	{	a license to act as an insurance Agent No. expiring on a certificate to act as a Principal Agent No. P. A. expiring on a certificate to act as a Chief Agent No. C. A. expiring on a certificate to act as a Special Agent No. S. A. expiring on
5*: I/We neither hold nor have applied for	{	a licence to act as an Insurance Agent a certificate to act as a Principal Agent a certificate to act as a Chief Agent a certificate to act as a Special Agent,”

and the existing paragraph 4 shall be renumbered as paragraph 6.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 31st January 1953.

MINISTRY OF FINANCE

New Delhi, the 22nd January 1953.

S. R. O. 224.—In exercise of the powers conferred by sub-section (2) of section 6 of the **Bengal Finance (Sales Tax) Act, 1941**, as extended to the State of Delhi, the Central Government hereby give notice of its inten-

tion to make with effect from 1st May, 1953, the following amendments in the Schedule to the said Act, namely :—

In the said Schedule, for items 15 and 35 the following items shall respectively be substituted, namely :—

“15—All edible oils except hydrogenated vegetable oils.”

“35—Aviation Spirit.”

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 7th February 1953.

MINISTRY OF EXTERNAL AFFAIRS

S. R. O. 254.—New Delhi, the 28th January 1953—In exercise of the powers conferred by section 11 of the **Chandernagore (Administration) Regulation, 1952** (I of 1952), the Central Government hereby extends to Chandernagore, the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950 (West Bengal Act XVII of 1950), as at present in force in West Bengal, with the following modifications, namely :—

Modifications

1. Save as otherwise expressly provided in this notification, throughout the Act for the words “State Government” the words “Central Government” shall be substituted.

2. In section 1—

(a) for sub-section (2) the following sub-section shall be substituted, namely :—

“(2) It shall come into force at once.”

(b) for sub-section (3) the following sub-section shall be substituted, namely :—

“(3) It extends to the whole of Chandernagore.”

(c) in sub-section (4) for the words, letters and figures “up to the 31st day of March, 1953” the words “in Chandernagore so long as it remains in force in any part of West Bengal” shall be substituted.

3. In section 2—

(a) clause (1) shall be omitted ;

(b) in sub clause (b) of clause (8) the words, figures and brackets, “but does not include a room or part of a room or other accommodation in a hotel or lodging house or a stall in a municipal market as defined in clause (44) of section 3 of the Calcutta Municipal Act, 1923, or in any other market maintained by or belonging to a local authority or a stall let at variable rents at different seasons of the year for the retail sale of goods in any other market as defined in clause (39) of section 3 of the Calcutta Municipal Act, 1923, or clause (30) of section 3 of the Bengal Municipal Act, 1932” shall be omitted ;

(c) in clause (11) for the words “and includes—” and for sub-clauses (i) and (ii) the following words shall be substituted, namely :—

“and includes any person who is liable to be sued by the landlord for rent.”

4. In section 5 the proviso shall be omitted.

5. In sub-section (1) of section 12—

(a) for clause (d) of the proviso the following clause shall be substituted, namely :—

“(d) When the tenant has used, or permitted another person to use, the property for a purpose other than that for which it was leased ; or, has committed any other act which is destructive or permanently injurious to the property ; or has created any permanent structure on the property without the landlord's consent in writing.”

(b) the explanation under clause (i) of the proviso shall be omitted.

6. In section 16, for the words “to the courts, as set out in Schedule

B" the words "to the courts which would have had jurisdiction to try the suit if this Act were not passed," shall be substituted.

7. For section 17, the following section shall be substituted, namely :—

"17. Such portion of rent as exceeds the standard rent determined according to the provisions of this Act shall be irrecoverable from the month of the tenancy next after the month in which this Act comes into force, whether the said rent was fixed by agreement or in any other manner"

8. Section 18 shall be omitted.

9. In section 28—

(a) in sub-section (1)—

(i) for the words "for any area or part of area to which this Act extends" the words "for Chandernagore" shall be substituted ;

(ii) the words "in such area or part" shall be omitted.

(b) in sub section (2) for the words "for any area to which this Act extends" the word "for Chandernagore" shall be substituted.

(c) Sub-section (5) shall be omitted.

10. In section 32—

(a) for sub-section (1) the following sub-section shall be substituted, namely :—

"(1) From every final order of the Controller an appeal shall lie to the District Judge of Chandernagore with power to transfer the appeal for hearing to any court of Subordinate Judge (if any) within Chandernagore".

(b) sub-section (6) shall be omitted.

11. In section 33, in sub-section (1) for the words "State Government" the word "Administrator" shall be substituted.

12. In section 35 for the words, letters and figures "as a public demand under the Bengal Public Demands Recovery Act, 1913" the words and figures "as if it were a fine imposed by a Magistrate of the local Court under the provisions of the Code of Criminal Procedure, 1898" shall be substituted.

13. In section 37, the words and figures "distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882 and no" shall be omitted.

14. Section 45 shall be omitted.

15. In section 47—

(a) in clause (g) of sub-section (2) the words "the Chief Judge of the Court of Small Causes of Calcutta" shall be omitted ;

(b) for the words "the State Legislature" in sub-section (3) the words "both Houses of Parliament" shall be substituted.

16. In Schedule A—

(a) in paragraph (1)—

(i) sub-paragraph (a) shall be omitted ; and

(ii) in sub-paragraph (b) for the words "ten per centum in case of premises within Calcutta and twenty per centum in case of other premises" the words "twenty per centum" shall be substituted.

(b) in paragraph (2) in sub-paragraph (1) the words, brackets, figure and letter "rent was fixed as mentioned in paragraph (1)(a), or" shall be omitted.

(c) in paragraph (3), the words, brackets, figure and letter "rent was fixed as mentioned in paragraph (1)(a), or" shall be omitted.

17. Schedule B shall be omitted.

MINISTRY OF FINANCE (REVENUE DIVISION)

S. R. O. 256.—New Delhi the 28th January 1953—In exercise of the powers conferred by section 37 of the **Central Excises and Salt Act, 1944 (I of 1944)**, the Central Government hereby direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely :—

In the said Rules :—

1. In sub-rule (1) of rule 83, for clause (e), the following clause shall be substituted, namely :—

“(e) Daily drier house account :”

2. In the table under the heading “Forms” in Appendix I—

(a) for the words “Daily Sugar Production Account” in column 2 against Central Excise Series No. 46, the words “Daily Drier House Account” shall be substituted.

3. For Form R.G. 7 (Central Excise Series No. 46), the following form shall be substituted, namely :—

“Central Excise Series No. 46.

FORM R.G. 7
DAILY DRIER HOUSE ACCOUNT
(Rule 83)

Name of the factory.....
Season Month 19 ..

Date	Opening Balance	Sugar Bagged	Total	Sugar sent to godown	Closing Balance	Remarks
1	2	3	4	5	6	7
	cwts.	cwts.	cwts.	cwts.	cwts.	cwts.

Published in the *Gazette of India, Extraordinary, Pt. II-Sec. 3*, dated 6th February 1953.
New Delhi-2, the 6th February, 1953.

S. R. O. 287.—In pursuance of the provisions of rule 5 of the **Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951** and in supersession of its notifications No. 32/1/51-Elec.II(2), dated the 8th September, 1951, No. 32/1/51-Elec.II(1), dated the 22nd November, 1951, No. 32/1/51-Elec.II(2), dated the 22nd November, 1951, No. 32/1/51-Elec.II(2), dated the 23rd November, 1951 and No. 32/1/51-Elec.II(4), dated the 5th December, 1951, the Election Commission hereby publishes the following list of symbols which may be used for elections to a Parliamentary constituency, an Assembly constituency, a Council of States constituency, or a Legislative Assembly constituency of a Part C State :—

LIST OF SYMBOLS

- | | |
|-----------------------------------|-----------------------------|
| 1. Two bulls with yoke on. | 14. Carr. |
| 2. Hut. | 15. Pitcher. |
| 3. Fans of Corn and a sickle. | 16. Ladder. |
| 4. Lamp (Deepa). | 17. Cock. |
| 5. Standing Lion. | 18. Bow and arrow. |
| 6. Human Hand. | 19. Tree. |
| 7. Horse and Rider. | 20. Star. |
| 8. Rising Sun. | 21. Boat. |
| 9. Elephant. | 22. Flower. |
| 10. Spade and stoker. | 23. Scales. |
| 11. Flaming torch (Mashal). | 24. Camel. |
| 12. A cultivator winnowing grain. | 25. A twig with two leaves. |
| 13. Cycle. | |

S. R. O. 288.—In exercise of the powers conferred by the proviso to sub-rule (2) of rule 5 of the **Representation of the People (Conduct of**

Elections and Election Petitions) Rules, 1951 and in supersession of paragraph 2 of its notification No. 32/1/51-Elec.II(2), dated the 8th September, 1951, the Election Commission hereby directs as follows :—

1. No candidate shall choose, except with the permission of the Returning Officer, any of the symbols specified in items 1 to 4 of the list of symbols published under the Commission's notification No. 56/2/53-1, dated the 6th February, 1953.

2. No candidate for election from a territorial constituency comprised within any of the States specified in column 1 of the table below, shall choose, except with the permission of the Returning Officer, any of the symbols specified in the corresponding entry or entries in column 2 of the said table :—

TABLE

1	2
Bihar	... (1) Cycle. (2) Cock.
Bombay	... (1) Cart (2) Elephant.
Madhya Pradesh	... (1) Rising Sun. (2) Elephant.
Madras	... (1) A cultivator winnowing grain. (2) Cock.
Punjab	... (1) Elephant. (2) Bow and arrow. (3) A cultivator winnowing grain.
Uttar Pradesh	... Rising Sun.
West Bengal	... (1) Standing Lion. (2) Horse and Rider.
Hyderabad	... (1) Elephant (2) Human Hand. (3) Cycle.
Madhya Bharat	... (1) Horse and Rider. (2) Rising Sun.
Rajasthan	... (1) Rising Sun. (2) A cultivator winnowing grain.
Saurashtra	... (1) Horse and Rider. (2) Cart.
Travancore-Cochin	... (1) Spade and Stoker. (2) Pitcher.
Ajmer	... (1) Rising Sun. (2) Ladder.
Bhopal	... (1) Horse and Rider. (2) A cultivator winnowing grain.
Delhi	... Elephant.
Himachal Pradesh	... Elephant
Manipur	... Flaming Torch (Mashal).
Tripura	... Ladder.
Vindhya Pradesh	... (1) Elephant. (2) Rising Sun.

3. Notwithstanding anything contained in the directions at 1 and 2 above, no candidate for election from a territorial constituency comprised within the State of Bihar shall choose "Bow and arrow" as his symbol.

Published in the *Gazette of India*, Pt. II Sec. 3, dated 14th February 1953.

MINISTRY OF COMMERCE AND INDUSTRY

S. R. O. 299.—New Delhi, the 7th February 1953—In exercise of the powers conferred by sub-section (3) of section 1 of the **Indian Power Alcohol Act, 1948** (XXII of 1948), the Central Government hereby specifies the 20th day of February, 1953, as the date on which the said Act shall come into force in the areas of Patiala and East Punjab States Union, specified in the schedule hereto annexed :—

SCHEDULE

<i>Tehsil</i>	<i>District</i>
Jind	Sangrur
Narwana	Do.
Dalmia Dadri	Mahendragarh

S. R. O. 300.—New Delhi, the 9th February 1953—In exercise of the powers conferred by sub-clause (b) of Clause 2 of the **Iron and Steel (Scrap Control) Order, 1943**, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply No. I(1)-4(78)-A, dated the 6th January, 1951, as amended from time to time, namely :—

To the schedule annexed to the said Notification, the following entry shall be added, namely :—

“All Sub-Divisional Officers and Taluk Officers in the State of Orissa”.

S. R. O. 302.—New Delhi, the 14th February 1953—In exercise of the powers conferred by Section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In paragraph (d) of sub-clause (3) of clause 21 of the said Order—

(1) In sub-paragraph (vii) for the words and figures “during December 1951 and every subsequent month”, the words and figures “during the period December 1951 to January 1953 both months inclusive” shall be substituted.

(2) After sub-paragraph (ix) the following sub-paragraph shall be inserted, namely :—

“(x) During the month of February 1953 and every subsequent month a quantity of yarn intended for sale in India less than 75 per cent. of the total quantity of yarn packed by him in that month”.

MINISTRY OF INFORMATION AND BROADCASTING

S. R. O. 309.—New Delhi, the 6th February 1953—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the **Cinematograph Act, 1952** (XXXVII of 1952), the Central Government hereby directs that the following further amendments shall be made in the **Cinematograph (Censorship) Rules, 1951**, namely :—

In the said Rules—

1. To rule 27B, the following further proviso shall be added, namely :—

“Provided further that the Regional Officer may with the prior approval of the Chairman dispense with the examination of the film under rule 24.”

2. To sub-rule (2A) of rule 32, the following proviso shall be added, namely :—

“Provided that where the fresh certificate is granted without examination of the film under the second proviso to rule 27B, the fees charged

shall be one-tenth of the fees charged for the examination of a film under this sub rule."

MINISTRY OF WORKS, HOUSING AND SUPPLY

S. R. O. 315.—New Delhi, the 5th February 1953.—In exercise of the powers conferred by sub-section (1) of section 17 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (XXX of 1952), and clause (1) of article 258 of the Constitution of India, the Central Government hereby directs that the powers exercisable by it by or under sections 6 and 7, by or under section 8 except clause (b) of sub-section (1) and by or under section 13 of the said Act shall be exercisable also by the Special Land Acquisition Officer, Nasik, in respect of properties situated in the area within his jurisdiction provided that the powers under section 8 of the said Act in so far as it relates to fixing of compensation by agreement shall not be exercised except with the previous concurrence of the Central Government.

MINISTRY OF LABOUR

S. R. O. 316.—New Delhi, the 6th February 1953.—In exercise of the powers conferred by section 57 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby directs that the following further amendments shall be made in the **Indian Metalliferous Mines Regulations, 1926**, the same having been previously published as required by sub-section (1) of Section 59 of the said Act :—

In sub-regulation (2) of regulation 1 of the said Regulations, for the words "the State of Mysore and Jammu and Kashmir", the words "The State of Jammu and Kashmir but do not apply to the gold mines in the State of Mysore" shall be substituted.

Published in the *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated 18th February 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 357.—New Delhi, the 18th February 1953.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Cotton Seed (Control) Order, 1952**, namely :—

"In clause 2 of the said order for the words 'districts of East Khandesh and West Khandesh' the words 'districts of East Khandesh, West Khandesh and Poona', shall be substituted."

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 21st February 1953.

CENTRAL BOARD OF REVENUE

S. R. O. 331.—New Delhi, the 21st February 1953.—In pursuance of the proviso to clause (a) of sub-rule (1) of rule 32 of the **Central Excise Rules, 1944**, the Central Board of Revenue hereby directs that the following further amendment shall be made in its notification No. 24-Central Excises, dated the 23rd July, 1949, namely :—

In the said notification, for the word "removed" occurring in the preamble, the word "transported" shall be substituted.

MINISTRY OF COMMERCE AND INDUSTRY

S. R. O. 335.—New Delhi, the 14th February 1953.—In exercise of the powers conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the **Factories (Control of Dismantling) Order 1946** is hereby repealed.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 342.—New Delhi, the 13th February 1953.—In exercise of the powers conferred by section 4 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the powers conferred on it under sub-section (1) and clause (a) of sub-section (2) of section 3 of the said Act shall, in relation to the production and manufacture of edible oils be exercisable also by all State Governments subject to the condition that before making an order under the authority hereby delegated the State Government shall obtain the prior approval of the Central Government.

MINISTRY OF REHABILITATION

New Delhi, the 13th February 1953.

S. R. O. 350.—In pursuance of the provisions of clause (d) of sub-section (1) of section 18 of the **Displaced Persons (Debts Adjustment) Act, 1951** (LXX of 1951), the Central Government hereby specifies the following conditions of the contract for the purposes of the said section, being conditions which in the opinion of the Central Government are of a technical nature, namely :—

(1) that a claim shall be filed with the district magistrate or other like authority whether accompanied by an affidavit or not ;

(2) that the insured building or building containing the insured property shall not become unoccupied and remain unoccupied for the period specified in the contract.

S. R. O. 351.—In exercise of the powers conferred by Section 56 of the **Administration of Evacuee Property Act, 1950** (XXXI of 1950), the Central Government hereby directs that the following further amendments shall be made in the Administration of Evacuee Property (Central) Rules, 1950, namely :—

In sub-rule (6) of rule 14 of the said Rules,—

(a) for clause (iii), the following clause shall be substituted, namely :—

“(iii) where the allotment is to be cancelled or varied—

(a) in accordance with an order made by a competent authority under section 8 of the **East Punjab Refugees (Registration of Land Claims) Act, 1948** ;

(b) on account of the failure of the allottee to take possession of the allotted evacuee property within six months of the date of allotment ;

(c) in consequence of a voluntary surrender of the allotted evacuee property, or a voluntary exchange with other available rural evacuee property, or a mutual exchange with such other available property ;

(d) in accordance with any general or special order of the Central Government ”

(b) after the existing proviso, the following proviso shall be added, namely :—

“Provided further that nothing in this sub-rule shall apply to any application for revision, made under section 26 of the Act, within the prescribed time, against an order passed by a lower authority on or before 22nd July, 1952.”

Published in the *Gazette of India*, Part II—Section 3, dated the 26th February 1953.

MINISTRY OF FINANCE (REVENUE DIVISION)

S. R. O. 365.—New Delhi, the 21st February 1953.—In exercise of the powers conferred by section 37 of the **Central Excises and Salt Act, 1944** (I of 1944), the Central Government hereby directs that the following

further amendments shall be made in the **Central Excise Rules, 1944**, namely :—

In the said Rules :—

1. For the proviso, in rules 14, 140, 154 and 192, the following proviso shall be substituted, namely :—

“Provided that, in the event of death, insolvency or insufficiency of the surety, or where the amount of the bond is inadequate, the Collector may, in his discretion, demand a fresh bond ; and may, if the security furnished for a bond is not adequate, demand additional security.”

2. For the proviso in rule 43, the following proviso shall be substituted, namely :—

“Provided that where the amount of the bond is inadequate, the Collector may in his discretion demand a fresh bond ; and may, if the security furnished for a bond is not adequate, demand additional security.”

MINISTRY OF COMMERCE AND INDUSTRY

S. R. O. 565. New Delhi, the 19th February 1953.—In exercise of the powers conferred by section 14 of the **Iron and Steel Companies Amalgamation Act, 1952** (LXXIX of 1952), the Central Government hereby makes the following Rules, namely :—

1. *Short title and commencement.*—(1) These Rules may be called the **Works Provident Funds (Amalgamation) Rules, 1953**.

(2) They shall come into force at once.

2. *Amalgamation of Works Provident Fund.*—(1) As from the 1st day of January, 1953, all members of the Works Provident Fund of the dissolved Company shall be deemed to have become members of the Works Provident Fund of the Iron and Steel Company and the accumulations standing to the credit of the members of the Works Provident Fund of the dissolved Company as on the 31st day of December 1952, shall, notwithstanding anything to the contrary contained in any rules, deed or instrument establishing such Fund, be deemed to have been transferred to the Works Provident Fund of the Iron and Steel Company.

(2) The amounts certified by the Trustees of the Works Provident Fund of the dissolved Company as representing loans advanced to the members and the contributions of the members hereof together with interest thereon up to and as at the date of the said transfer shall be treated and devolve as members loans and contributions under the rules of the Works Provident Fund of the Iron and Steel Company and the balance of all moneys standing to the credit of the members of the Works Provident Fund of the dissolved Company as on the date of the said transfer (hereinafter collectively referred to as the “transferred balances”) shall be treated and devolve as the Company’s contributions under the rules of the Works Provident Fund of the Iron and Steel Company.

3. *Transfer binding upon members.*—(1) The share of each member of the Works Provident Fund of the dissolved Company in the transferred balances shall be deemed to have been accepted by such members in lieu of the then present or future claim (if any) to which he might otherwise be entitled under the rules of the Works Provident Fund of the dissolved Company.

(2) The receipt by the Trustees of the Works Provident Fund of the Iron and Steel Company of the transferred balances shall be deemed to be a due discharge by each such member as aforesaid to the Trustees of the Works Provident Fund of the dissolved Company in respect of all claims of each such member in lieu of his share in the transferred balances against

the Works Provident Fund of the dissolved Company or the Trustees thereof.

S. R. O. 369.—In exercise of the powers conferred by section 14 of the **Iron and Steel Companies Amalgamation Act, 1952** (LXXIX of 1952), the Central Government hereby makes the following Rules, namely :—

1. *Short title and commencement.*—(1) These Rules may be called the **Provident Institutions (Amalgamation) Rules, 1953.**

(2) They shall come into force at once.

2. *Amalgamation of Provident Institutions.*—(1) As from the 1st day of January, 1953, all members of the Provident Institution of the dissolved Company shall be deemed to have become members of the Provident Institution of the Iron and Steel Company and the accumulations standing to the credit of the members of the Provident Institution of the dissolved Company as on the 31st day of December, 1952, shall, notwithstanding anything to the contrary contained in any rule, deed or instrument establishing such Institution, be deemed to have been transferred to the Provident Institution of the Iron and Steel Company.

(2) The amounts certified by the Trustees of the Provident Institution of the dissolved Company as representing loans advanced to the members and the contributions of the members thereof together with the interest thereon up to and as at the date of the said transfer shall be treated and devolve as members loans and contributions under the rules of the Provident Institution of the Iron and Steel Company and the balance of all monies standing to the credit of the members of the Provident Institution of the dissolved Company as on the date of the said transfer (hereinafter collectively referred to as the "transferred balances") shall be treated and devolve as the Company's contributions under the rules of the Provident Institution of the Iron and Steel Company.

3. *Transfer binding upon members.*—(1) The share of each member of the Provident Institution of the dissolved Company in the transferred balances shall be deemed to have been accepted by such member in lieu of the then present or future claim (if any) to which he might otherwise be entitled under the rules of the Provident Institution of the dissolved Company.

(2) The receipt by the Trustees of the Provident Institution of the Iron and Steel Company of the transferred balances shall be deemed to be a due discharge by each such member as aforesaid to the Trustees of the Provident Institution of the dissolved Company in respect of all claims of each such member in lieu of his share in the transferred balances against the Provident Institution of the dissolved Company or the Trustees thereof.

4. *Certificate of Auditors binding on all parties.*—For the purpose of these Rules and notwithstanding anything to the contrary in the Rules of Provident Institution of the dissolved Company the books of the said institution shall be made up as at the 31st day of December 1952 and the amounts standing to the credit of each Member as at such date shall be certified by the Auditors of the Provident Institution of the dissolved Company, Messrs. Lovelock and Lowes, Chartered Accountants, Calcutta. The amounts so certified by the Auditors shall be deemed to be final and binding on all the parties for all the purposes of the Rules of the Provident Institution of the dissolved Company and the Provident Institution of the Iron and Steel Company respectively.

MINISTRY OF TRANSPORT

S. R. O. 375.—New Delhi, the 20th February 1953—In exercise of the

powers conferred by sub-section (3) of section 1 of the **Road Transport Corporations Act, 1950** (LXIV of 1950), the Central Government hereby appoints the 2nd day of March, 1953, as the date on which, the said Act shall come into force in the State of West Bengal.

MINISTRY OF WORKS, HOUSING AND SUPPLY

S. R. O. 380.—New Delhi, the 23rd February 1953—In exercise of the powers conferred by section 5 of the **Indian Explosives Act, 1884** (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the **Explosives Rules, 1940**, the same having been previously published as required by section 18 of the said Act, namely :—

Rule 109 of the said Rules shall be omitted.

Published in *Gazette of India, Extraordinary, Part II—Sec. 3*, dated 25th February 1953.

MINISTRY OF LAW

S. R. O. 391.—New Delhi, the 25th February 1953—In exercise of the power conferred by sub-section (2) of section 1 of the **Code of Civil Procedure (Amendment) Act, 1952** (LXXI of 1952), the Central Government hereby appoints the first day of March, 1953, as the date on which the said Act shall come into force.

Published in *Gazette of India, Extraordinary, Part II—Sec. 3*, dated 1st March 1953.

MINISTRY OF LAW

S. R. O. 399.—New Delhi, the 1st March, 1953—In exercise of the power conferred by *Explanation 1* to section 44A of the **Code of Civil Procedure, 1908** (Act V of 1908), the Central Government hereby declares the United Kingdom of Great Britain and Northern Ireland to be a reciprocating territory for the purposes of the said section, and the High Court in England, the Court of Session in Scotland, the High Court in Northern Ireland, the Court of Chancery of the County Palatine of Lancaster and the Court of Chancery of the County Palatine of Durham to be superior courts of that territory.

Published in the *Gazette of India, Part II—Section 3*, dated the 7th March 1953.

MINISTRY OF REHABILITATION

New Delhi, the 23rd February 1953

S. R. O. 431.—In exercise of the powers conferred by section 23 of the **Evacuee Interest (Separation) Act, 1951** (LXIV of 1951), the Central Government hereby directs that the following amendments shall be made in the **Evacuee Interest (Separation) Rules, 1951**, namely :—

In rule 11D of the said Rules,—

(a) after clause (d), the following clauses shall be inserted, namely :—

“(dd) the person declared to be the purchaser of the composite property at the public auction shall pay immediately after such declaration a deposit of 25 per cent, on the amount of his purchase-money to the officer or other person conducting the sale and in default of such deposit, the property shall forthwith be re-sold. The full amount of purchase-money payable shall be paid by the purchaser in the office of the competent officer during working hours on or before the fifteenth day from the sale of the property :

(ddd) in default of payment within the period mentioned in clause (dd), the deposit may, if the competent officer thinks fit, after defraying the expenses of the sale, be forfeited to the Government, and the composite property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.”

1	2	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
No. of Vote	Services and purposes	Rs.	Rs.	Rs.
107	Parliament ...	11,32,000	5,000	11,37,000
108	Miscellaneous Expenditure under the Parliament Secretariat	2,000	...	2,000
	<i>Charged.</i> —Staff, Household and Allowances of the President.	...	1,28,000	1,28,000
109	Secretariat of the Vice-President.	7,000	...	7,000
	<i>Charged</i> —Union Public Service Commission ...	...	1,73,000	1,73,000
110	Capital Outlay of the Ministry of Commerce and Industry.	51,90,000	...	51,90,000
111	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)	97,07,000	...	97,07,000
112	Capital Outlay on Civil Aviation	19,33,000	...	19,33,000
113	Other Capital Outlay of the Ministry of Communications	9,63,000	...	9,63,000
114	Defence Capital Outlay	1,50,00,000	...	1,50,00,000
115	Capital Outlay of the Ministry of Education	50,000	...	50,000
116	Capital Outlay on the India Security Press	65,000	...	65,000
117	Capital Outlay on Currency	20,000	...	20,000
118	Capital Outlay on Mints	4,20,000	...	4,20,000
119	Commuted Value of Pensions	8,65,000	...	8,65,000
120	Payments to Retrenched Personnel	15,000	...	15,000
121	Other Capital Outlay of the Ministry of Finance	59,25,000	...	59,25,000
122	Loans and Advances by the Central Government...	2,22,69,000	10,93,30,000	13,15,99,000
	<i>Charged.</i> —Repayments of debt		1,18,66,41,000	1,18,66,41,000
123	Capital Outlay on Forests	1,93,000	...	1,93,000
124	Purchases of foodgrains	50,00,00,000	...	50,00,00,000
125	Other Capital Outlay of the Ministry of Food and Agriculture	1,65,62,000	1,30,000	1,66,92,000
126	Capital Outlay of the Ministry of Health	28,01,000	...	28,01,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consol- idated Fund	Total
		Rs.	Rs.	Rs.
127	Capital Outlay of the Ministry of Home Affairs	2,39,000	...	2,39,000
128	Capital Outlay on Broad-casting ...	5,94,000	—	5,94,000
129	Capital Outlay on Multi-purpose River Schemes ...	31,65,000	...	31,65,000
130	Other Capital Outlay of the Ministry of Irrigation and Power ...	43,34,000	...	43,34,000
131	Capital Outlay of the Ministry of Labour ...	38,000	...	38,000
132	Other Capital Outlay of the Ministry of Natural Resources and Scientific Research ...	5,92,000	...	5,92,000
133	Capital Outlay of the Ministry of Production ...	33,54,000	...	33,54,000
134	Capital Outlay of the Ministry of Rehabilitation	2,08,000	...	2,08,000
135	Capital Outlay of the Ministry of States ...	33,40,000	...	33,40,000
136	Capital Outlay on Ports ...	26,71,000	...	26,71,000
137	Capital Outlay on Roads...	72,32,000	...	72,32,000
138	Other Capital Outlay of the Ministry of Transport	18,96,000	...	18,96,000
139	New Delhi Capital Outlay	21,56,000	4,000	21,60,000
140	Capital Outlay on buildings	77,15,000	...	77,15,000
141	Other Capital Outlay of the Ministry of Works, Housing and Supply ...	74,000	...	74,000
Total		1,05,06,56,000	1,42,23,61,000	2,47,30,17,000

The Appropriation (Railways) Act, 1953.

The following Act of Parliament received the assent of the President on the 19th March 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 20th March 1953.

Act No. 5 of 1953

[19th March 1953.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54 for the purposes of Railways.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (Railways) Act, 1953.

2. *Issue of Rs. 546,94,41,000 out of the Consolidated Fund of India for the financial year 1953-54.*—From and out of the Consolidated Fund

of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of five hundred and forty-six crores, ninety-four lakhs and forty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1953-54 in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consol- idated Fund	Total
1	Railway Board ...	34,61,000	...	34,61,000
2	Audit ...	...	...	...
3	Miscellaneous Expenditure...	1,26,95,000	...	1,26,95,000
4	Working Expenses—Admi- nistration ...	26,73,31,000	...	26,73,31,000
5	Working Expenses—Repairs and Maintenance ...	66,13,74,000	...	66,13,74,000
6	Working Expenses—Operat- ing Staff ...	42,33,81,000	...	42,33,81,000
7	Working Expenses—Opera- tion (Fuel) ...	22,78,37,000	...	22,78,37,000
8	Working Expenses—Opera- tion (other than Staff and Fuel) ...	14,35,13,000	...	14,35,13,000
9	Working Expenses—Miscel- laneous Expenses ...	40,60,65,000	...	40,60,65,000
9A	Working Expenses—Labour Welfare ...	4,39,48,000	...	4,39,48,000
10	Payments to Indian States and Companies ...	31,79,000	...	31,79,000
11	Working Expenses—Appro- priation to Depreciation Reserve Fund ...	30,00,00,000	...	30,00,00,000
12A	Open Line Works (Reve- nue)—Labour Welfare ...	1,23,68,000	...	1,23,68,000
12B	Open Line Works (Reve- nue)—Other than Labour Welfare ...	4,45,03,000	...	4,45,03,000
13	Appropriation to Develop- ment Fund ...	9,31,00,000	...	9,31,00,000
14	Appropriation to Revenue Reserve Fund ...	...	...	...
14A	Withdrawal from Revenue Reserve Fund ...	...	...	...
15	Construction of New Lines	1,68,23,000	...	1,68,23,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
16	Open Line Works—Additions	1,88,54,44,000	...	1,88,54,44,000
17	Open Line Works—Replacements	43,45,36,000	...	43,45,36,000
18	Open Line Works—Development Fund	13,78,27,000	...	13,78,27,000
19	Capital Outlay on Vizagapatam Port	43,62,000	...	43,62,000
20	Dividend payable to General Revenues	34,76,94,000	...	34,76,94,000
	GRAND TOTAL	546,94,41,000	...	546,94,41,000

The Appropriation (Railways) No. 2 Act, 1953.

The following Act of Parliament received the assent of the President on the 19th March 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 20th March 1953.

Act No. 6 of 1953

[19th March, 1953]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53 for the purposes of Railways.

Enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (Railways) No. 2 Act, 1953.

2. *Issue of Rs 3,65,86,000 out of the Consolidated Fund of India for the financial year 1952-53*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three crores, sixty-five lakhs and eighty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1952-53, in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE (See sections 2 and 3.)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
3	Miscellaneous Expenditure	18,62,000	...	18,62,000
4	Working Expenses—Administration	53,00,000	...	53,00,000

THE SCHEDULE—*Contd.*

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
5	Working Expenses—Repairs and Maintenance ...	1,62,20,000	...	1,62,20,000
7	Working Expenses—Operation (Fuel) ...	64,09,000	...	64,09,000
9A	Working Expenses—Labour Welfare ...	31,73,000	...	31,73,000
15	Construction of new Lines ...	25,00,000	...	25,00,000
20	Dividend payable to General Revenues	11,22,000	...	11,22,000
	Grand Total	3,05,80,000	...	3,05,80,000

The Patiala and East Punjab States Union Appropriation Act, 1953.

The following Act of Parliament received the assent of the President on the 31st March, 1953 and was published in the *Gazette of India*, Extraordinary, Part II—Section 1, dated the 31st March 1951.

Act No. 7 of 1953.

[31st March, 1953.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Patiala and East Punjab States Union for the service of the financial year 1952-53.

BE it enacted by Parliament as follows:—

1. *Short title*—This Act may be called the Patiala and East Punjab States Union Appropriation Act, 1953.

2. *Issue of Rs. 94,56,366 out of the Consolidated Fund of the State of Patiala and East Punjab States Union for the year 1952-53.*—From and out of the Consolidated Fund of the State of Patiala and East Punjab States Union, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ninety-four lakhs, fifty-six thousand and three hundred sixty-six rupees towards defraying the several charges which will come in course of payment during the financial year 1952-53, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Patiala and East Punjab States Union by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Land Revenue	2,58,000	...	2,58,000
7	Other Taxes and Duties ...	98,900	...	98,900
11	Elections for Legislatures ..	2,06,600	...	2,06,600
14	Finance Department ..	61,000	...	61,000
15	Revenue Department	25,300	...	25,300
17	Agricultural and Forest Department ...	10,200	...	10,200

60 THE PATIALA AND EAST PUNJAB STATES UNION APPROPRIATION [1953
(VOTE ON ACCOUNT) ACT, 1953.

THE SCHEDULE—Contd.

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
20	Law and Local Self Govern- ment Department ...	Rs. 7,900	Rs. ...	Rs. 7,900
22	District Administration ...	20,400	...	20,400
24	Administration of Justice...	42,500	18,100	60,600
27	Education ...	100	...	100
29	Public Health ...	100	...	100
30	Agriculture ...	1,84,200	...	1,84,200
31	Veterinary ...	100	...	100
33	Industries and Supplies ...	79,700	...	79,700
34	Miscellaneous Departments	1,07,800	...	1,07,800
36	Civil Works ..	4,48,900	...	4,48,900
38	Capital Outlay on Electri- city Schemes (within the Revenue Account) ...	31,900	...	31,900
40	Superannuation Allowances and Pensions ...	2,05,000	...	2,05,000
41	Stationery and Printing ...	3,22,700	...	3,22,700
42	Miscellaneous ...	17,38,400	...	17,38,400
43	Expenditure on Displaced Persons ...	200	...	200
43A	Community Development Projects ...	4,29,400	...	4,29,400
	Charged.—Staff, Household and Allowances of His Highness the Rajpramkh	...	24,666	24,666
43B	Capital Outlay on Indus- trial Development ..	3,00,000	...	3,00,000
44	Capital Account of Irriga- tion, Navigation, Embank- ment and Drainage Works (outside the Revenue Account) ...	100	...	100
44A	Capital Outlay on Multi- purpose River Schemes— Bhakra Nangal Project ..	28,61,600	...	28,61,600
47	Capital Outlay on Schemes of State Trading	100	...	100
48	Interest Free and Interest Bearing Advances ...	19,72,500	...	19,72,500
	Total	94,13,600	42,766	94,56,366

The Patiala and East Punjab States Union Appropriation (Vote on
Account) Act, 1953.

The following Act of Parliament received the assent of the President on the 31st March, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 31st March, 1953.

Act No 8 of 1953.

[31st March 1953.]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Patiala and East Punjab States Union for the service of a part of the financial year 1953-54.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Patiala and East Punjab States Union Appropriation (Vote on Account) Act, 1953.

2. *Withdrawal of Rs. 8,58.07,800 from and out of the Consolidated Fund of the State of Patiala and East Punjab States Union for the year 1953-54.*—From and out of the Consolidated Fund of the State of Patiala and East Punjab States Union there may be withdrawn sums* not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eight crores, fifty eight lakhs, seven thousand and eight hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1953-54.

3. *Appropriation*—The sums authorised to be withdrawn from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3.)

1 No of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Land Revenue ...	14,16,900	...	14,16,900
2	State Excise Duties ...	9,24,400	...	9,24,400
3	Stamps ...	21,200	...	21,200
4	Forest ...	4,70,200	...	4,70,200
5	Registration ...	7,500	...	7,500
6	Charges on account of Motor Vehicles Acts ...	28,700	...	28,700
7	Other Taxes and Duties ...	1,31,200	...	1,31,200
8	Irrigation ...	14,52,600	...	14,52,600
9	Ministers and Adviser ...	76,500	...	76,500
10	State Legislative Assembly	1,10,400	8,400	1,18,800
11	Elections for Legislature	84,300	...	84,300
12	Chief Minister's and Advi- ser's Secretariat ...	23,400	..	23,400
13	Home Department ...	1,72,800	...	1,72,800
14	Finance Department ..	1,10,500	...	1,10,500
15	Revenue Department ...	83,300	...	83,300
16	Education and Health Department ...	30,200	...	30,200
17	Development Department	31,800	...	31,800
18	Industries, Supplies and Labour Department ...	39,500	...	39,500
19	Rehabilitation Department	55,000	...	55,000
20	Law and Local Self Govern- ment Department ..	65,600	...	65,600

62 THE PATIALA AND EAST PUNJAB STATES UNION APPROPRIATION [1953
(VOTE ON ACCOUNT) APR, 1953.

THE SCHEDULE—Contd.

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
21	Commissioner ...	22,600	...	22,600
22	District Administration ...	6,04,200	...	6,04,200
23	Civil Supplies Directorate ...	2,35,800	...	2,35,800
24	Administration of Justice...	4,56,700	1,24,800	5,81,500
25	Jails and Judicial Lock-ups	5,28,000	...	5,28,000
26	Police ...	29,06,900	...	29,06,900
27	Education ...	36,72,100	...	36,72,100
28	Medical ...	11,94,800	...	11,94,800
29	Public Health ...	4,25,600	...	4,25,600
30	Agriculture ...	12,34,700	...	12,34,700
31	Veterinary ...	2,20,900	...	2,20,900
32	Co-operation ...	1,85,900	...	1,85,900
33	Industries and Supplies ...	6,28,500	...	6,28,500
34	Miscellaneous Departments	2,45,700	...	2,45,700
35	Punjabi Department ...	97,100	...	97,100
36	Civil Works ...	47,84,300	...	47,84,300
37	Electricity Schemes—Work- ing Expenses ...	10,57,900	...	10,57,900
38	Capital Outlay on Electri- city Schemes (within the Revenue Account) ...	87,100	...	87,100
39	Privy Purses and Allow- ances of Indian Rulers ...	4,43,400	11,20,000	15,63,400
40	Superannuation Allowances and Pensions ...	5,16,300	...	5,16,300
41	Stationery and Printing ...	6,00,000	...	6,00,000
42	Miscellaneous ...	3,72,400	...	3,72,400
43	Expenditure on Displaced Persons ...	4,87,100	...	5,87,100
44	Miscellaneous Adjustments between Central and State Governments ...	1,300	...	1,300
45	Community Development Projects ...	4,29,100	...	4,29,100
	Charged.—Interest on Debt and other Obligations ...	...	30,400	30,400
	Charged.—Appropriation for reduction or avoidance of debt ...	...	...	...
	Charged.—Staff, Household and Allowances of His Highness the Rajpramukh ...	...	2,83,300	2,83,300
	Charged.—Public Service Commission ...	...	35,900	35,900

THE SCHEDULE—Contd.

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		• Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
46	Construction of Irrigation, Navigation, Embankment and Drainage Works	17,80,300	...	17,80,300
47	Capital Outlay on Schemes of Agricultural Improve- ments and Research ...	22,00,000	...	22,00,000
48	Capital Outlay on Multi- purpose River Schemes— Bhakra Nangal Project ...	55,33,800	...	55,33,800
49	Capital Outlay on Schemes of State Trading ...	4,28,63,300	...	4,28,63,300
50	Advances Bearing Interest Repayment of Debt ...	50,03,200	50,000	50,03,200
	TOTAL	8,41,55,000	16,52,800	8,58,07,800

The Appropriation (No. 2) Act, 1953.

The following Act of Parliament received the assent of the President on the 31st March, 1953 and was published in the *Gazette of India*, Extraordinary, Part II—Section 1, dated the 31st March 1953.

Act No. 9 of 1953.

[31st March, 1953.]

An Act to authorise payment and appropriation of a certain further sum from and out of the Consolidated Fund of India for the service of the financial year 1952-53

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (No. 2) Act, 1953.

2. *Issue of Rs. 16,42,40,000 out of the Consolidated Fund of India for the year 1952-53.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding the amount specified in column 3 of the Schedule amounting in the aggregate to the sum of sixteen crores, forty-two lakhs and forty thousand rupees towards defraying the charges which will come in course of payment during the financial year 1952-53, in respect of the service specified in column 2 of the Schedule.

3. *Appropriation.*—The sum authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the service and purpose expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3.)

1	2	3		
		Sum not exceeding		
No. of Vote	Service and purpose	Voted by Parliament	Charged on the Consol- idated Fund	Total
		Rs.	Rs.	Rs.
27	Union Excise Duties ...	...	16,42,40 000	16,42,40,000

The Hyderabad Coinage and Paper Currency (Miscellaneous Provisions) Act 1953.

The following Act of Parliament received the assent of the President on the 31st March, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 31st March 1951.

Act No. 10 of 1953.

[31st March, 1953]

An Act to extend the period during which Hyderabad coins and notes of the denominational value of one rupee may continue to be legal tender, to repeal the Hyderabad Paper Currency Act No. II of 1327F and to make certain other incidental provisions

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Hyderabad Coinage and Paper Currency (Miscellaneous Provisions) Act, 1953.

(2) It shall come into force on the first day of April, 1953.

2. *Amendment of section 24, Act III of 1906.*—In section 24 of the Indian Coinage Act, 1906 (III of 1906)—

(a) for the words and letter 'any Part B State' the words 'the State of Hyderabad' shall be substituted ; and

(b) for the words 'two years' the words 'four years' shall be substituted.

3. *Amendment of section 2A, Ordinance No. IV of 1940.*—In section 2A of the Currency Ordinance, 1940, for the words 'two years' the words 'four years' shall be substituted.

4. *Repeal of Hyderabad Paper Currency Act and saving*—(1) The Hyderabad Paper Currency Act No. II of 1327F, as in force in the State of Hyderabad immediately before the commencement of this Act, shall, on such commencement, stand repealed

(2) Notwithstanding such repeal, currency notes of denominational value exceeding one rupee issued under the provisions of the repealed Act and in circulation as legal tender in the State of Hyderabad immediately before the commencement of this Act shall continue to be legal tender in that State for such period or periods not exceeding two years from such commencement and to such extent and subject to such conditions, if any, as the Central Government may, by notification in the Official Gazette determine.

The Administration of Evacuee Property (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 9th April 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 10th April 1953.

Act No 11 of 1953.

[9th April 1953]

An Act further to amend the Administration of Evacuee Property Act, 1950.

BE it enacted by Parliament as follows :—

1. *Short title and commencement* — (1) This Act may be called the Administration of Evacuee Property (Amendment) Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Notes.

Object.—“The Bill is designed to incorporate in the Administration of Evacuee Property Act, 1950 (XXXI of 1950), certain changes that are considered necessary on account of the changed circumstances since the legislation was originally enacted. Provisions relating to “intending evacuees” in the Act are no longer considered necessary and they are accordingly being deleted. Certain difficulties which are being experienced by a section of the population in disposing of their property on account of the existing provisions of the Act are also sought to be removed by means of amendments to sections 40 and 41 of the Act. Opportunity has also been taken to incorporate certain other changes which are considered necessary in the light of the experience of the working of the Act.” (Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part II-Section 2, dated 9th August 1952, p. 358.]

Report of the Select Committee—The Report of the Select Committee to which the Bill further to amend the Administration of Evacuee Property Act, 1950 was referred, is as under:—

“2. Upon the changes proposed which are not formal or consequential it may be noted as follows :—

Clause 4 (original).—The Committee has omitted this clause which purports to transfer the power of appointment of Custodians from State Governments to the Central Government because the Committee were given to understand that the State Governments desire that the existing position should continue.

Clause 4 (original clause 5).—The Committee felt that there should be some restriction upon the power of the Custodian to take charge of the management of a company. It has accordingly been provided that the Custodian shall not exercise such power except with the previous approval of the Central Government.

Clause 5 (original Clause 6).—The Committee has limited the power of the Custodian to cancel prepartition leases to two specified cases, namely : (i) where the lease has been sublet ; and (ii) where the lessee has used the property for a purpose other than that for which it was leased.

Clause 6 (original clause 7).—The Committee was of the opinion that where tenancy rights vest in the Custodian some provision should be made for safeguarding the interest of the original lessor. The Committee has accordingly provided that in such cases the Custodian shall not have the power to grant, without the consent in writing of the original lessor—(a) where the original lease is for a specified period, any lease for a period extending beyond the date on which the original lease would have expired ; and (b) where the original lease is from year to year or month to month or on any other similar tenure, any lease on a tenure different from that of the original lease.

Clause 7 (original clause 8).—It has been made clear that where an application under section 16 is rejected there will be nothing to prevent the applicant from establishing his title to the property in a civil court.

Clause 8 (original clause 9).—The Committee felt that the words 'for any default of the evacuee' were far too sweeping. It was of the opinion that the exemption from eviction should apply only where an evacuee has made any default after he became an evacuee or within a period of one year preceding the date of his becoming an evacuee. Section 18 of the principal Act, as substituted by this clause has been amended, accordingly.

Clauses 12 and 14 (new).—The amendments are consequential upon the omission of Chapter IV relating to 'intending evacuees'.

Clause 13.—The limit of five thousand rupees in respect of exemption from confirmation of a transfer has been reduced to three thousand rupees. It has also been provided that in the case of transfers in respect of which the consideration exceeds such limit as may be prescribed by rules, the previous approval of the Custodian General shall be necessary. The position with respect to pending proceedings for confirmation of transfers has been made clear. A few drafting alterations have also been made.

Clause 16.—The amendments proposed to sub-section (3) of section 66 have been omitted in view of the omission of clause 4 of the Bill. It has also been provided that in future all rules made by the Central Government shall be laid before Parliament.

Clause 17 (new).—This new clause has been inserted to clarify the effect of repeal of Chapter IV relating to 'intending evacuees'. It has been provided that notwithstanding such repeal any property which is already vested in the Custodian under section 22 and any proceedings which are pending under that section shall not be affected.

3. The Bill was published in the Gazette of India, Part II-Section 2, dated the 9th August, 1952.

4. The Select Committee think that the Bill has not been so altered as to require circulation under Rule 99(4) of the Rules of Procedure and Conduct of Business in the House of the People and they recommend that it be passed as now amended". [Published in the Gazette of India, Part II-Section 2, dated the 15th November 1952, pages 467-468]

2. *Amendment of section 2, Act XXXI of 1950.*—In section 2 of the Administration of Evacuee Property Act, 1950 (hereinafter referred to as the principal Act),—

(a) in clause (d),—

(1) at the end of sub-clause (iii), the words "or" shall be inserted, and after that sub-clause and before the *Explanation* thereto, the following clauses shall be inserted, namely:—

"(iv) who has, after the 18th day of October 1949, transferred to Pakistan, without the previous approval of the Custodian, his assets or any part of his assets situated in any part of the territories to which this Act extends; or

(v) who has, after the 18th day of October 1949, acquired, if the acquisition has been made in person, by way of purchase or exchange, or, if the acquisition has been made by or through a member of his family, in any manner whatsoever, any right to, interest in, or benefit from, any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan;";

(2) the *Explanation* to sub-clause (iii) shall be numbered as *Explan-*

tion I and after that Explanation as so numbered, the following further *Explanations* shall be inserted, namely :—

“Explanation II.—For the purposes of sub-clause (iv), the transfer to Pakistan by any person of any reasonable sum of money in accordance with the rules made in this behalf by the Central Government for the purpose of financing any transaction in the ordinary course of his trade or for the maintenance of any member of the family of such person shall not be deemed to be a transfer of his assets within the meaning of that sub-clause.

Explanation III.—For the purposes of sub-clause (v), the acquisition of any right to, interest in, or benefit from any such property as is referred to in that sub-clause by a firm, private limited company or trust of which any person is a partner, member or beneficiary, as the case may be, shall be deemed to be an acquisition by that person of such right, interest or benefit within the meaning of that sub-clause.”;

(b) clause (e) shall be omitted ;

(c) in clause (f), for the words beginning with “Evacuee property” means’ and ending with the words “to the extent of such right or interest,” the following shall be substituted, namely :—

“‘evacuee property’ means any property of an evacuee (whether held by him as owner or as a trustee or as a beneficiary or as a tenant or in any other capacity), and includes any property which has been obtained by any person from an evacuee after the 14th day of August, 1947, by any mode of transfer which is not effective by reason of the provisions contained in section 40’

3. *Omission of section 3, Act XXXI of 1950.*—Section 3 of the principal Act shall be omitted.

4. *Amendment of section 10, Act XXXI of 1950.*—In sub-section (2) of section 10 of the principal Act, after clause (i), the following clause shall be inserted, namely :—

“(ii) in any case where the evacuee property which has vested in the Custodian consists of fifty-one per cent. or more of the shares in a company, the Custodian may take charge of the management of the whole affairs of the company and exercise, in addition to any of the powers vested in him under this Act, all or any of the powers of the directors of the company, notwithstanding that the registered office of such company is situate in any part of the territories to which this Act extends, and notwithstanding anything to the contrary contained in this Act or the Indian Companies Act, 1913 (VII of 1913), or in the articles of association of the company :

Provided that the Custodian shall not take charge of such management of the Company except with the previous approval of the Central Government.”

5 *Amendment of section 12, Act XXXI of 1950* —In sub-section (1) of section 12 of the principal Act,—

(a) for the words “where such allotment, lease or agreement has been granted or entered into after the 14th day of August 1947” the following shall be substituted, namely :—

“whether such allotment, lease or agreement was granted or entered into before or after the commencement of this Act.”

(b) the following proviso shall be added, namely :—

“Provided that in the case of any lease granted before the 14th day of August 1947, the Custodian shall not exercise any of the powers conferred upon him under this sub-section unless he is satisfied that the lessee—

(a) has sublet, assigned or otherwise parted with the possession of the whole or any part of the property leased to him ; or

(b) has used or is using such property for a purpose other than that for which it was leased to him."

6. *Insertion of new section 12-A in Act XXXI of 1950.*—After section 12 of the principal Act, the following section shall be inserted, namely :—

"12A. *Special provisions with respect to transfer of tenancy rights of evacuees.*—(1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, where tenancy rights have vested in the Custodian as evacuee property, and the Custodian has granted a lease in respect of such property, the Custodian may, in any case where the lessor under whom the property was held immediately before it vested in the Custodian is not an evacuee, declare, by general or special order, that with effect from such date as may be specified in the order he shall stand absolved of all responsibilities with respect to the property or the lease granted by him.

(2) On the making of any such declaration as is referred to in sub-section (1),—

(a) the lease granted by the Custodian shall be deemed to have effect as if granted by the lessor under whom the property was held immediately before the Custodian assumed possession or control thereof and shall continue to have such effect until it is determined by lapse of time or by operation of law ;

(b) all sums realised by the Custodian in respect of the said lease before the date of the declaration referred to in sub-section (1) shall, subject to the deduction of fees, if any, payable to the Custodian, become payable to the lessor against whom the lease has now effect.

(3) Nothing contained in this section shall—

(a) be deemed to empower the Custodian to grant, without the consent in writing of the original lessor or his successor in interest—

(i) where the original lease is for a specified period, any lease for a period extending beyond the date on which the original lease would have expired ; or

(ii) where the original lease is from year to year or month to month or on any other similar tenure, any lease on a tenure different from that of the original lease ;

(b) render the Custodian liable to any person for any sum in excess of the sum payable to the lessor under clause (b) of sub-section (2), or

(c) prejudice any rights of the lessor or the lessee, to which he may be entitled under any other law for the time being in force, consistently with the terms and conditions, if any, of the lease granted by the Custodian."

7. *Amendment of section 16, Act XXXI of 1950.*—In section 16 of the principal Act, for sub-sections (1) and (2), the following sub section shall be substituted, namely :—

"16. *Restoration of evacuee property*—(1) Subject to such rules as may be made in this behalf, the Central Government or any person authorised by it in this behalf may, on application made to it or him by an evacuee or by any person claiming to be the heir of an evacuee, and on being satisfied that it is just or proper so to do, grant to the applicant a certificate stating that any evacuee property, which has vested in the Custodian, and to which the applicant would have been entitled if this Act were not in force, shall be restored to him.

(2) If the evacuee or, as the case may be, the heir to whom a certificate has been granted under sub-section (1) applies to the Custodian in writing for the restoration of the evacuee property which has vested in the Custodian and in respect of which the certificate has been granted, the Custodian shall, on the production by the applicant of the certificate and subject to the other provisions contained in this section and in any rules that may be made in this behalf, restore the evacuee property to the applicant.

(2A) On receipt of an application under sub-section (2), the Custodian shall cause public notice thereof to be given in the prescribed manner and after holding a summary inquiry into the claim in such manner as may be prescribed shall—

(a) if he is satisfied with respect to the title of the applicant to the property, make a formal order restoring the property to the applicant; or

(b) if he is not so satisfied, reject the application, without prejudice to the right of the applicant to establish his title to the property in a civil court; or

(c) if he entertains any doubt with respect to the title of the applicant to the property, refer him to a civil court for the determination of his title thereto;

Provided that no order for the restoration of any evacuee property shall be made under this section unless provision has been made in the prescribed manner for the recovery of any amount due to the Custodian in respect of the property or the management thereof."

8. *Substitution of new section for section 18, Act XXXI of 1950.*—For section 18 of the principal Act, the following section shall be substituted and shall be deemed always to have been substituted, namely:—

"18. *Occupancy or tenancy rights not to be extinguished.*—(1) Where the rights of an evacuee in any land or in any house or other building consist or consisted of occupancy or tenancy rights, nothing contained in any law for the time being in force or in any contract or in any instrument having the force of law or in any decree or order of any court, shall extinguish or be deemed to have extinguished any such rights either on the tenant becoming an evacuee within the meaning of this Act or at any time thereafter so as to prevent such rights from vesting in the Custodian under the provisions of this Act or to prevent the Custodian from exercising all or any of the powers conferred on him by this Act in respect of any such rights, and notwithstanding anything contained in any such law, contract, instrument, decree or order, neither the evacuee nor the Custodian, whether as an occupancy tenant or as a tenant for a certain time, monthly or otherwise, of any land, or house or other building shall be liable to be ejected or be deemed to have become so liable on any ground whatsoever for any default of—

(a) the evacuee committed after he became an evacuee or within a period of one year immediately preceding the date of his becoming an evacuee; or

(b) the Custodian.

(2) Where any person acquires or has acquired any rights under a Provincial Act or a State Act in respect of any property by reason of being in possession of that property, whether in pursuance of a grant, lease, or allotment made by the Custodian or otherwise, the acquisition of such rights shall not in any way affect or be deemed to have affected the rights and powers conferred on the Custodian under this Act in respect of that property."

9. *Omission of Chapter IV, Act XXXI of 1950.*—Chapter IV of the principal Act shall be omitted.

10. *Amendment of section 24, Act XXXI of 1950.*—In section 24 of the principal Act, in sub-section (1),—

(a) the word and figures “section 19” shall be omitted ;

(b) in the proviso, for the words, brackets, letters and figures “sub-clause (iii) of clause (d) of section 2, or that the property is not evacuee property within the meaning of sub-clause (2) of clause (f) of section 2,” the words, brackets, letters and figure, “sub-clause (iii) or sub-clause (iv) or sub-clause (v) of clause (d) of section 2,” shall be substituted.

11. *Amendment of section 25, Act XXXI of 1950.*—In section 25 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Any person aggrieved by an order under section 7 declaring his property to be evacuee property on the ground that he is an evacuee within the meaning of sub-clause (iii) or sub-clause (iv) or sub-clause (v) of clause (d) of section 2 may prefer an appeal, in such manner and within such time as may be prescribed, to the district judge nominated in this behalf by the State Government”

12. *Amendment of section 26, Act XXXI of 1950.*—Sub-section (3) of section 26 of the principal Act shall be omitted.

13. *Substitution of new sections for sections 40 and 41 in Act XXXI of 1950.*—For sections 40 and 41 of the principal Act, the following sections shall be substituted, namely :—

“40. *Validity of transfers respecting property subsequently declared to be evacuee property.*—(1) No transfer made after the 14th day of August, 1947, by or on behalf of any person in any manner whatsoever of any property belonging to him shall be effective so as to confer any rights or remedies in respect of the transfer on the parties thereto or any person claiming under them or either of them, if, at any time after the transfer, the transferor becomes an evacuee within the meaning of section 2 or the property of the transferor is declared or notified to be evacuee property within the meaning of this Act, unless the transfer is confirmed by the Custodian in accordance with the provisions of this Act.

(2) Nothing contained in sub-section (1) shall apply to the transfer for valuable consideration of any such property as is referred to therein in any of the following cases, namely :—

(a) where the transfer has been made with the previous approval of the Custodian before the commencement of the Administration of Evacuee Property (Amendment) Act, 1953 ;

(b) where the transferor has not left or does not leave India for Pakistan within a period of two years from the date of the transfer :

Provided that in the case of a transfer made before the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, the transferor had not left India for Pakistan before such commencement, notwithstanding that a period of two years had already elapsed before such commencement ;

(c) where the transfer is made after the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, and—

(i) the value of the property or properties transferred in any one year is less than five thousand rupees, or

(ii) the transfer is made with the previous approval of the Custodian or in the prescribed cases with the previous approval of the Custodian General.

(3) An application under sub-section (1) for the confirmation of any transfer may be made by the transferor or the transferee or any person claiming under, or lawfully authorised by, either of them to the Custodian within two months from the date of the transfer or within two months from the date of the declaration or notification referred to in sub-section (1) whichever is later, and the provisions of section 5 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to any such application.

(4) Where an application under sub-section (1) has been made to the Custodian for confirmation, he shall hold an inquiry in respect thereof in the prescribed manner and may reject the application if he is of opinion that—

(a) the transaction has not been entered into in good faith or for valuable consideration ; or

(b) the transaction is prohibited under any law for the time being in force ; or

(c) the transaction ought not to be confirmed for any other reason.

(5) Where, in respect of any transfer made before the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, any application for confirmation thereof has been rejected solely on the ground—

(a) that although the transaction was entered into in good faith, the consideration paid was not adequate, or

(b) that the application was barred by limitation, then, notwithstanding anything to the contrary contained in any law or contract or decree or order of a civil court or other authority, but subject to any rules that may be made by the Central Government in this behalf, the Custodian may and shall, where the application for confirmation was rejected by the Custodian General, if the Custodian General so directs exercise any of the following powers in respect of the transfer, namely :—

(i) confirm the transfer if the consideration paid for the transfer is adequate ;

(ii) confirm the transfer, if the transferee agrees to pay to the Custodian the difference in value between the value of the property as assessed by the Custodian and the amount actually paid by the transferee to the transferor ;

(iii) if the transferee agrees, take possession of such part of the property as, after dividing it by metes and bounds, is equivalent in value to the difference between the value of the property as assessed by the Custodian and the amount actually paid by the transferee to the transferor ;

(iv) if the transferee agrees, take possession of the entire property by paying off to the transferee the amount which the Custodian finds as having been actually paid by the transferee to the transferor as consideration for the transfer ; or

(v) if the transferee does not agree to any of the courses referred to in clauses (ii) to (iv) inclusive, auction the property and if the sale proceeds exceed the amount actually paid by the transferee, pay to the transferee the amount paid by him and take over the balance and if the sale proceeds are equivalent to, or fall short of, the amount actually paid by the transferee, pay the entire sale proceeds to the transferee :

Provided that where any application for confirmation of a transfer is rejected on the ground specified in clause (b) of this sub section the powers conferred on the Custodian by this section shall not be exercised unless the Custodian finds that the transaction has been entered into in good faith.

(6) If the application is not rejected under sub-section (4), the Custodian may confirm the transfer either unconditionally or on such terms and conditions as he may think fit to impose.

(7) The Custodian may, in respect of any application for confirmation of a transfer pending before him on the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, which is liable to be rejected on either of the grounds specified in clauses (a) and (b) of sub-section (5) exercise any of the powers conferred on him under that sub-section.

(8) For the removal of doubts, it is hereby declared that every property transferred in contravention of the provisions of this section which does not confer any rights or remedies in relation to the transfer on the parties thereto shall be deemed to be property declared to be evacuee property within the meaning of sub-section (1) of section 7 and to have vested in the Custodian in accordance with the provisions of section 8.

41. *Transactions relating to evacuee property void in certain circumstances.*—Subject to the other provisions contained in this Act, every transaction entered into by any person in respect of property declared or deemed to be declared to be evacuee property within the meaning of this Act, shall be void unless entered into by or with the previous approval of the Custodian "

14. *Amendment of section 46, Act XXXI of 1950.*—In section 46 of the principal Act, clause (b) shall be omitted.

15. *Substitution of new section for section 52, Act XXXI of 1950.*—For section 52 of the principal Act, the following section shall be substituted, namely :—

"52. *Power to exempt.*—The Central Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act or of the rules made thereunder shall not apply, or shall be deemed never to have applied, or shall cease to apply, or shall apply only with such modifications or subject to such conditions, restrictions or limitations as may be specified in the notification, to or in relation to any class of persons or class of property."

16. *Amendment of section 56, Act XXXI of 1950.*—In section 56 of the principal Act,—

(1) in sub-section (2),—

(a) after clause (b), the following clause shall be inserted, namely :—

"(bb) the transfer by the Custodian of any case pending before any officer subordinate to him or the withdrawal to himself for disposal of any case so pending or the exercise of any similar powers by the Custodian General in respect of cases pending before any officer subordinate to him;"

(b) for clause (q), the following clause shall be substituted, namely:—

"(q) the manner in which applications for the previous approval of the Custodian may be made under section 40 and the matters which he shall take into account in granting such approval, and the nature of cases and the circumstances in which the Custodian may confirm or refuse to confirm a transfer under that section :";

(2) after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) All rules made under sub-sections (1) and (2) after the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, shall be laid for not less than fourteen days before Parliament as soon as possible after they are made."

17. Effect of repeal of Chapter IV, Act XXXI of 1950.—(1) The repeal of Chapter IV of the principal Act shall not affect—

(a) any property which has vested in the Custodian under section 22 of the principal Act before the commencement of this Act, or

(b) any proceeding pending under that section on such commencement,

and any such property shall continue to so vest and any such proceeding may be continued as if this Act had not been passed.

(2) Save as aforesaid, on the repeal of Chapter IV of the principal Act, every order passed under section 19 of the principal Act, declaring any person to be an intending evacuee and every attachment of property effected under that section shall cease to have effect and every proceeding pending under that section shall abate.

(3) Save to the extent to which it is otherwise provided in this section, the mention of particular matters in this section shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897 (X of 1897), with respect to the effect of repeals.

The Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act 1953.

The following Act of Parliament received the assent of the President on the 14th April, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 15th April, 1953.

Act No. 12 of 1953.

[14th April, 1953.]

An Act to provide for the levy and collection of an additional duty of excise on cloth for raising funds for the purpose of developing khadi and other handloom industries and for promoting the sale of khadi and other handloom cloth.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(1) This Act may be called the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions*—In this Act, unless the context otherwise requires,—

(a) 'appointed day' means the 15th day of February, 1953 ;

(b) 'cloth' has the meaning assigned to it in the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944) ;

(c) 'handloom cloth' means any cloth woven from any material including silk, artificial silk, staple fibre and wool, on looms worked by manual labour ;

(d) 'handloom industries' means industries which manufacture khadi or other handloom cloth ;

(e) 'khadi' means any handloom cloth woven from yarn handspun in India.

3. *Levy of additional duty of excise on cloth.*—(1) There shall be levied and collected on all cloth manufactured on or after the appointed day in the territories to which this Act extends, and on all cloth lying in stock on the appointed day in any factory where cloth is manufactured or in any premises appurtenant thereto, a duty of excise at the rate of three pias per yard :

Provided that no such duty shall be levied on cloth which is exported out of India.

(2) The duty of excise specified in sub-section (1) shall be in addition to the duty of excise chargeable on cloth under the Central Excises and Salt Act, 1944 (I of 1944), and shall be levied and collected in the same manner as the duty of excise on cloth is levied and collected under that Act.

4. *Application of proceeds.*—The Central Government may utilise the net proceeds of the duty of excise levied under this Act for meeting the costs of such measures as it considers necessary or expedient to take for developing khadi and other handloom industries, and, in particular, measures for—

(a) undertaking, assisting or encouraging khadi and other handloom industries ;

(b) encouraging the adoption of improved methods of manufacturing khadi and other handloom cloth ;

(c) encouraging and developing research in the technique of production of khadi and other handloom cloth and in the art of designs relating thereto ;

(d) maintaining or assisting in the maintenance of institutes for the development of khadi and other handloom industries ;

(e) promoting the sale and marketing of khadi and other handloom cloth ;

(f) fixing the grades and standards of khadi and other handloom cloth and enforcing quality control ;

(g) promoting and encouraging co-operative effort among manufacturers of khadi and other handloom cloth.

5. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the proceeds of the duty of excise levied under this Act may be applied for all or any of the purposes specified in section 4 ;

(b) the making of grants or loans from such proceeds to State Governments for all or any of the said purposes ;

(c) the allocation of the net proceeds of the duty of excise between khadi and other handloom industries ;

(d) the manner in which accounts relating to the proceeds of the duty of excise shall be maintained ;

(e) the exemption from the whole or any part of the duty of excise levied under this Act of any variety of cloth which is for the time being exempt from the duty of excise imposed under the Central Excises and Salt Act, 1944 (I of 1944).

The Appropriation (No. 3) Act, 1953.

The following Act of Parliament received the assent of the President on the 23rd April, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 24th April 1953.

Act No. 13 of 1953.

[23rd April, 1953.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (No. 3) Act, 1953.

2. *Issue of Rs. 24,27,49,03,000 out of the Consolidated Fund of India for the year 1953-54*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Vote on Account) Act, 1953 (4 of 1953)] to the sums of two thousand four hundred and twenty-seven crores, forty nine lakhs and three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1953-54 in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE (See sections 2 and 3)

1 No of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry ...	72,26,000	...	72,26,000
2	Industries ...	11,90,11,000	...	11,90,11,000
3	Commercial Intelligence and Statistics ...	52,26,000	...	52,26,000
4	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry ...	40,25,000	...	40,25,000
5	Ministry of Communications ...	12,17,000	...	12,17,000
6	Indian Posts and Telegraphs Department (including Working Expenses) ...	44,00,23,000	1,64,72,000	45,64,95,000
7	Meteorology ...	1,08,97,000	...	1,08,97,000
8	Overseas Communications Service ...	90,98,000	4,08,000	95,06,000
9	Aviation ...	2,95,28,000	...	2,95,28,000
10	Miscellaneous Departments and Expenditure under the Ministry of Communications ...	8,25,000	...	8,25,000
11	Ministry of Defence ...	26,10,000	...	26,10,000
12	Defence Services—Effective Army ...	1,63,70,95,000	...	1,63,70,95,000
13	Defence Services—Effective Navy ...	11,31,88,000	...	11,31,88,000
14	Defence Services—Effective Air Force ...	25,79,24,000	...	25,79,24,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consol- idated Fund	Total
		Rs.	Rs.	Rs.
15	Defence Services—Non-Effective Charges ...	15,66,88,000	7,000	15,66,95,000
16	Miscellaneous Expenditure under the Ministry of Defence ...	5,00,000	...	5,00,000
17	Ministry of Education ...	33,17,000	...	33,17,000
18	Archaeology ...	44,28,000	...	44,28,000
19	Other Scientific Departments ...	1,91,82,000	...	1,91,82,000
20	Education ...	4,88,06,000	...	4,88,06,000
21	Miscellaneous Departments and Expenditure under the Ministry of Education ...	30,23,000	...	30,23,000
22	Tribal Areas ...	3,78,53,000	...	3,78,53,000
23	External Affairs ...	5,63,19,000	...	5,63,19,000
24	Chandernagore ...	23,27,000	...	23,27,000
25	Miscellaneous Expenditure under the Ministry of External Affairs ...	3,78,000	...	3,78,000
26	Ministry of Finance ...	1,44,36,000	...	1,44,36,000
27	Customs ...	3,37,49,000	...	3,37,49,000
28	Union Excise Duties ...	5,44,27,000	16,48,77,000	21,93,04,000
29	Taxes on Income including Corporation Tax ...	3,40,83,000	...	3,40,83,000
30	Opium ...	2,93,47,000	...	2,93,47,000
31	Stamps ...	1,19,50,000	5,72,000	1,25,22,000
32	Payments to other Governments, Departments, etc. ...	11,09,000	...	11,09,000
33	Audit ...	7,07,93,000	14,89,000	7,22,82,000
34	Currency ...	1,64,35,000	3,60,000	1,67,95,000
35	Mint ...	96,22,000	...	96,22,000
36	Territorial and Political Pensions ...	22,82,000	...	22,82,000
37	Superannuation Allowances and Pensions ...	3,31,43,000	8,82,000	3,40,25,000
38	Miscellaneous Departments and Expenditure under the Ministry of Finance ...	2,00,52,000	...	2,00,52,000
39	Grants-in-aid to States ...	14,29,89,000	12,05,00,000	26,34,89,000
40	Miscellaneous adjustments between the Union and State Governments ...	1,76,000	...	1,76,000
41	Extra-ordinary Payments ...	22,92,11,000	...	22,92,11,000
42	Pre-partition Payments ...	1,94,36,000	64,000	1,95,00,000
	Charged.—Interest on Debt and other obligations and reduction or avoidance of Debt ...	...	79,91,19,000	79,91,19,000

1 No. of Vote	2 Services and purposes	3 Suma not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
43	Ministry of Food and Agri- culture	46,81,000	...	46,81,000
44	Forest	33,64,000	...	33,64,000
45	Agriculture	3,68,23,000	...	3,68,23,000
46	Civil Veterinary Services...	36,94,000	...	36,94,000
47	Miscellaneous Departments and Expenditure under the Ministry of Food and Agriculture	73,37,000	...	73,37,000
48	Ministry of Health	6,38,000	...	6,38,000
49	Medical Services	1,07,45,000	...	1,07,45,000
50	Public Health	1,15,08,000	...	1,15,08,000
51	Miscellaneous Expenditure under the Ministry of Health	76,35,000	...	76,35,000
52	Ministry of Home Affairs...	1,28,11,000	...	1,28,11,000
53	Cabinet	23,87,000	...	23,87,000
54	Delhi	1,51,18,000	...	1,51,18,000
55	Police	69,13,000	...	69,13,000
56	Census	10,49,000	...	10,49,000
57	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs	11,07,000	...	11,07,000
58	Andaman and Nicobar Is- lands	1,75,95,000	...	1,75,95,000
59	Ministry of Information and Broadcasting	1,02,64,000	...	1,02,64,000
60	Broadcasting	2,28,73,000	...	2,28,73,000
61	Ministry of Irrigation and Power	7,94,000	...	7,94,000
62	Irrigation, etc.	20,000	...	20,000
63	Multipurpose River Schemes	45,58,000	...	45,58,000
64	Miscellaneous Departments and Expenditure under the Ministry of Irrigation and Power	40,49,000	...	40,49,000
65	Ministry of Labour	29,22,000	...	29,22,000
66	Chief Inspector of Mines	8,90,000	...	8,90,000
67	Miscellaneous Departments and Expenditure under the Ministry of Labour	3,17,91,000	...	3,17,91,000
68	Employment Exchanges and Resettlement	1,35,82,000	...	1,35,82,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
69	Civil Defence ...	1,20,000	...	1,20,000
70	Ministry of Law ...	1,75,40,000	...	1,75,40,000
71	Administration of Justice...	1,90,000	8,76,000	10,66,000
72	Ministry of Natural Resour- ces and Scientific Re- search ...	7,25,000	...	7,25,000
73	Survey of India ...	1,04,27,000	...	1,04,27,000
74	Botanical Survey ...	2,68,000	...	2,68,000
75	Zoological Survey ...	4,36,000	...	4,36,000
76	Geological Survey ...	51,36,000	...	51,36,000
77	Mines ...	21,43,000	...	21,43,000
78	Scientific Research ...	3,16,24,000	...	3,16,24,000
79	Miscellaneous Departments and Expenditure under the Ministry of Natural Resources and Scientific Research ...	15,000	...	15,000
80	Department of Parliamen- tary Affairs ...	1,21,000	...	1,21,000
81	Ministry of Production ...	7,47,000	...	7,47,000
82	Salt ...	1,25,87,000	2,97,000	1,28,84,000
83	Other Organisations under the Ministry of Produc- tion ...	1,18,01,000	...	1,18,01,000
84	Miscellaneous Departments and Expenditure under the Ministry of Production	1,84,34,000	...	1,84,34,000
85	Ministry of Rehabilitation	19,80,000	...	19,80,000
86	Expenditure on Displaced Persons ...	12,67,50,000	...	12,67,50,000
87	Miscellaneous Expenditure under the Ministry of Rehabi- litation ...	39,000	...	39,000
88	Ministry of States ...	11,60,000	...	11,60,000
89	Privy Purses and Allowances of Indian Rulers ...	2,56,000	5,38,88,000	5,40,84,000
90	Kutch ...	1,11,09,000	...	1,11,09,000
91	Bilaspur ...	25,56,000	...	25,56,000
92	Manipur ...	63,48,000	...	63,48,000
93	Tripura ...	1,21,33,000	...	1,21,33,000
94	Relations with States ...	62,13,000	...	62,13,000
95	Miscellaneous Expenditure under the Ministry of States...	59,63,000	...	59,63,000
96	Ministry of Transport ...	31,07,000	...	31,07,000
97	Ports and Pilotage ...	62,45,000	...	62,45,000
98	Lighthouses and Lightships ...	79,67,000	...	79,67,000
99	Central Road Fund ...	4,91,26,000	...	4,91,26,000
100	Communications (including National Highways) ...	4,72,44,000	...	4,72,44,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
101	Miscellaneous Expenditure under the Ministry of Transport ...	4,37,000	...	4,37,000
102	Ministry of Works, Housing and Supply ...	21,80,000	...	21,80,000
103	Supplies ...	2,75,64,000	...	2,75,64,000
104	Other Civil Works ...	14,77,37,000	21,05,000	14,98,42,000
105	Stationery and Printing ...	4,93,48,000	...	4,93,48,000
106	Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply ...	46,41,000	...	46,41,000
107	Parliament ...	97,62,000	1,25,000	98,87,000
108	Miscellaneous Expenditure under the Parliament Secretariat ...	29,000	...	29,000
	<i>Charged.</i> —Staff, Household and Allowances of the President ...	...	15,34,000	15,34,000
109	Secretariat of the Vice-President ...	83,000	...	83,000
	<i>Charged.</i> —Union Public Service Commission, ...	...	20,70,000	20,70,000
110	Capital Outlay of the Ministry of Commerce and Industry ...	6,22,89,000	...	6,22,89,000
111	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue) ...	11,64,88,000	...	11,64,88,000
112	Capital Outlay on Civil Aviation ...	2,32,00,000	...	2,32,00,000
113	Other Capital Outlay of the Ministry of Communications ...	1,15,50,000	...	1,15,50,000
114	Defence Capital Outlay ...	18,00,00,000	...	18,00,00,000
115	Capital Outlay of the Ministry of Education ...	6,00,000	...	6,00,000
116	Capital Outlay on the India Security Press ...	7,85,000	...	7,85,000
117	Capital Outlay on Currency ...	2,41,000	...	2,41,000
118	Capital Outlay on Mints ...	50,37,000	...	50,37,000
119	Commuted Value of Pensions ...	1,03,80,000	...	1,03,80,000
120	Payments to Retrenched Personnel ...	1,83,000	...	1,83,000
121	Other Capital Outlay of the Ministry of Finance ...	7,11,00,000	...	7,11,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
122	Loans and Advances by the Central Government ...	26,72,29,000	1,31,19,68,000	1,57,91,97,000
	Charged.—Repayment of Debt...	...	14,23,96,97,000	14,23,96,97,000
123	Capital Outlay on Forests...	23,20,000	...	23,20,000
124	Purchases of Foodgrains ...	1,54,96,00,00	...	1,54,96,00,000
125	Other Capital Outlay of the Ministry of Food and Agriculture ...	19,87,38,000	15,67,000	20,03,05,000
126	Capital Outlay of the Ministry of Health ...	3,36,15,000	...	3,36,15,000
127	Capital Outlay of the Ministry of Home Affairs..	28,67,000	...	28,67,000
128	Capital Outlay on Broad-casting	71,24,000	...	71,24,000
129	Capital Outlay on Multi-purpose River Schemes ...	3,79,84,000	...	3,79,84,000
130	Other Capital Outlay of the Ministry of Irrigation and Power ...	5,20,08,000	...	5,20,08,000
131	Capital Outlay of the Ministry of Labour	4,56,000	...	4,56,000
132	Other Capital Outlay of the Ministry of Natural Resources and Scientific Research ...	71,00,000	...	71,00,000
133	Capital Outlay of the Ministry of Production ...	4,02,48,000	...	4,02,48,000
134	Capital Outlay of the Ministry of Rehabilitation	25,00,000	...	25,00,000
135	Capital Outlay of the Ministry of States ...	4,00,75,000	...	4,00,75,000
136	Capital Outlay on Ports ...	3,20,47,000	...	3,20,47,000
137	Capital Outlay on Roads ...	8,67,83,000	...	8,67,83,000
138	Other Capital Outlay of the Ministry of Transport ...	2,27,56,000	...	2,27,56,000
139	New Delhi Capital Outlay	2,58,72,000	43,000	2,59,15,000
140	Capital Outlay on Buildings	9,25,85,000	...	9,25,85,000
141	Other Capital Outlay of the Ministry of Works, Housing and Supply ...	8,90,000	...	8,90,000
	Grand Total ...	7,55,66,43,000	16,71,88,60,000	24,27,49,03,000

The Finance Act, 1953.

The following Act of Parliament received the assent of the President on the 25th April, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 27th April 1953.

Act No. 14 of 1953.

[25th April, 1953]

An Act to give effect to the financial proposals of the Central Government for the financial year 1953-54.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Finance Act, 1953.

2. *Income-tax and super-tax.*—The provisions of section 2 of, and the First Schedule to, the Finance Act, 1951 (XXIII of 1951), as originally enacted, shall apply in relation to income-tax and super-tax for the financial year 1953-54 as they apply in relation to income-tax and super-tax for the financial year 1952-53 with the modifications that—

(a) for the figures "1950", "1951" and "1952", wherever they occur, the figures "1951", "1953" and "1954" shall respectively be substituted, and

(b) in the First Schedule,—

(i) in Part I, in the limits specified in the first proviso to paragraph A, for the figures "7,200" and "3,600", the figures "8,400" and "4,200" shall respectively be substituted.

(ii) in Part II, in clause (iii) of the first proviso to paragraph D, for the words "one anna per rupee of the total income", the following shall be substituted, namely :—

"one anna and six pies per rupee on so much of the total income as consists of dividends from a subsidiary Indian company, and a rebate at the rate of six pies per rupee on any other income included in the total income".

3. *Amendment of Act XI of 1922.*—With effect from the 1st day of April, 1953, the following amendments shall be made in the Indian Income-tax Act, 1922, namely :—

(a) in sub-section (2) of section 9, after the first proviso, the following proviso shall be inserted, namely :—

"Provided further that where the property referred to in the preceding proviso consists of one residential house only and it cannot actually be occupied by the owner by reason of the fact that owing to his employment, business, profession or vocation carried on at any other place, he has to reside at that other place in a building not belonging to him and the residential house is not actually let and no other benefit therefrom is derived by the owner, the income of such property under this section shall, if the property was not occupied during the whole of the previous year be taken to be nil, and if it was occupied for a part of the previous year be computed proportionately, so however that the income in respect of such property shall in no case be a loss."

(b) after section 12A, the following section shall be inserted, namely :—

"12AA. *Royalties or copyright fees for literary or artistic works.*—Where the time taken by the author of a literary or artistic work in the making thereof is—

(a) more than twelve but less than twenty-four months, or

(b) more than twenty-four months,

the amount received or receivable by him during any previous year on account of any lump sum or consideration for the assignment or grant of any

of his interest in the copyright of that work, or of royalties or copyright fees (whether receivable in lump sum or otherwise), in respect of that work, shall, if he so claims, be allocated for purposes of assessment as hereunder—

(i) in the case referred to in clause (a), one-half of the amount of such lump sum, royalties or fees as the income of the previous year in which the whole amount is received or receivable, and the other half as the income of the next succeeding previous year; and

(ii) in the case referred to in clause (b), one-third of the amount of such lump sum, royalties or fees as the income of the previous year in which the whole amount is received or receivable, and one-third of the said amount as the income of each of the two next succeeding previous years.

Explanation.—For the purposes of this section, the expression 'author' includes a joint author and the expression 'lump sum' in regard to royalties or copyright fees includes an advance payment on account of such royalties or copyright fees which is not returnable.

(c) for sub-sections (1) and (2) of section 15B, the following sub-sections shall be substituted, namely:—

“(1) The tax shall not be payable by an assessee in respect of any sums paid by him on or after the 1st day of April, 1953, as donations to any institution or fund to which this section applies:

Provided that in the case of a company this exemption shall apply only in respect of income-tax, and not in respect of super-tax payable by it:

Provided further that this exemption shall not apply—

(a) if the aggregate of the sums so paid by the assessee is less than two hundred and fifty rupees,

(b) to any sums paid in excess of one-twentieth of the assessee's total income, as reduced by any portion thereof exempt from tax under any other provisions of this Act, or one hundred thousand rupees, whichever is less.

(2) This section applies to any institution or fund established in the taxable territories for a charitable purpose—

(i) the income whereof is exempt under clause (i) of sub-section (3) of section 4,

(ii) which is not expressed to be for the benefit of any particular religious community,

(iii) which maintains regular accounts of its receipts and expenditure, and

(iv) which is either constituted as a public charitable trust or is registered under the Societies Registration Act, 1860 (XXI of 1860), or under section 26 of the Indian Companies Act, 1913 (VII of 1913), or is a university established by law or is any other educational institution recognised by Government or by a university or affiliated to any university, or

(v) which is an institution financed wholly or in part by the Government or a local authority.

Explanation.—An institution or fund established for the benefit of scheduled castes, backward classes, scheduled tribes or of women and children shall not be deemed to be an institution or fund expressed to be for the benefit of a religious community within the meaning of clause (ii).

(2A) For the removal of doubts, it is hereby declared that in respect of sums paid as donations on or after the 1st day of April, 1948, and before the 1st day of April, 1953, the provisions of sub-section (1) and (2)

shall apply as if the amendments made by clause (c) of section 3 of the Finance Act, 1953, had not been made."

(d) in sub-section (1) of section 24,—

(i) after the first proviso, the following proviso shall be inserted, namely :—

"Provided further that in computing the profits and gains chargeable under the head 'Profits and gains of business, profession or vocation', any loss sustained in speculative transactions which are in the nature of a business shall not be taken into account except to the extent of the amount of profits and gains, if any, in any other business consisting of speculative transactions."

(ii) after the last proviso, the following *Explanations* shall be inserted, namely :—

"*Explanation 1.*—Where the speculative transactions carried on are of such a nature as to constitute a business, the business shall be deemed to be distinct and separate from any other business.

"*Explanation 2.*—A speculative transaction means a transaction in which a contract for purchase and sale of any commodity including stocks and shares is periodically or ultimately settled otherwise than by the actual delivery or transfer of the commodity or scrips :

Provided that for the purposes of this section,—

(a) a contract in respect of raw materials or merchandise entered into by a person in the course of his manufacturing or merchandising business to guard against loss through future price fluctuations in respect of his contracts for actual delivery of goods manufactured by him or merchandise sold by him ; or

(b) a contract in respect of stocks and shares entered into by a dealer or investor therein to guard against loss in his holdings of stocks and shares through price fluctuations ; or

(c) a contract entered into by a member of a forward market or a stock exchange in the course of any transaction in the nature of jobbing or arbitrage to guard against loss which may arise in the ordinary course of his business as such member ; shall not be deemed to be a speculative transaction."

(e) for sections 49A and 49AA, the following section shall be substituted, namely :—

"49A. *Agreement for granting relief in respect of double taxation or for avoidance thereof.*—The Central Government may enter into an agreement—

(a) with the Government of the State of Jammu and Kashmir or with the Government of any country outside India for the granting of relief in respect of income on which have been paid both income-tax (including super-tax) under this Act and income-tax in that State or in that country, as the case may be, or

(b) with the Government of any country outside India for the avoidance of double taxation of income, profits and gains under this Act and under the corresponding law in force in that country : and may, by notification in the Official Gazette, make such provisions as may be necessary for implementing the agreement."

(f) after section 56, the following section shall be inserted, namely :—

"56-A. *Exemption from super-tax of certain dividends.*—(1) No super-tax shall be payable by a company on such part of its total income as consists of dividends received from an Indian company formed and registered after the 31st day of March, 1952, where—

(i) the Central Government is satisfied that the Indian company is

wholly or mainly engaged in an industry for the manufacture or production of any one or more of the following, namely :—

- (1) Coal, including coke and other derivatives ;
- (2) Iron and Steel ;
- (3) Motor and aviation fuel, kerosene, crude oils and synthetic oils (not being oil exploration) ;
- (4) Heavy chemicals including fertilizers ;
- (5) Heavy machinery used in industry including ball and roller bearing and gear wheels and parts thereof, boilers and steam generating equipment ;
- (6) Machinery and equipment for the generation, transmission and distribution of electric energy ;
- (7) Non-ferrous metals including alloys ;
- (8) Paper including newsprint and paper board ;
- (9) Internal combustion engines ;
- (10) Power-driven pumps ;

as specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (No. LXV of 1951), and

(ii) the income of the Indian company would have been exempt under the operation of section 15-C if the provisions of that section had been applicable thereto.

(2) The exemption specified in sub-section (1) shall apply also to dividends payable to a company in respect of any fresh capital raised by an Indian company after the 28th day of February, 1953, by public subscription for the purpose of increasing the production of or starting a separate unit of, any one or more of the items specified in clause (i) of sub-section (1).

4. *Amendments to Act XXXII of 1934.*—With effect from the 28th day of February, 1953, the Indian Tariff Act, 1934 (XXXII of 1934), shall be amended in the manner specified in the First Schedule.

5. *Additional duties of Customs.*—When any goods chargeable with a duty of Customs under the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), or under that Schedule read with any notification of the Central Government for the time being in force, are assessed to duty, there shall, up to the 31st day of March, 1954, be levied and collected as an addition to, and in the same manner as, the total amount so chargeable—

(a) a sum equal to 155 per cent. of such amount, in the case of goods comprised in Items Nos. 22(2) and 22(4) ;

(b) a sum equal to 55 per cent. of such amount, in the case of goods comprised in Items Nos. 48, 48(2), 48(6) and 51(2), and in the case of textile manufactures specified in Item No. 49 when made wholly or mainly of any of the fabrics specified in Item No. 48, 48(1), 48(4), 48(5), 48(7) or 48(10) ;

(c) a sum equal to 45 per cent. of such amount, in the case of goods comprised in Item No. 47(2) ;

(d) a sum equal to 25 per cent. of such amount, in the case of goods comprised in any of the Items of the said Schedule other than those specified in clauses (a), (b) and (c) of this section or in the Second or the Third Schedule to this Act ; and

(e) a sum equal to 5 per cent. of such amount, in the case of goods comprised in any of the Items of the said Schedule specified in the Third Schedule to this Act.

6. *Alteration of certain duties of central excise.*—With effect from the

8th day of February, 1953, the following amendments shall be made in the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944) :—

In Item No. 12, for the entries "Twenty per cent. *ad valorem*" and "Five per cent. *ad valorem*" in the last column against sub-items (1) and (2), the entries "Three annas and three pies per yard" and "One anna and three pies per yard" shall respectively be substituted.

7. *Additional duties of excise.*—The provisions of section 8 of the Finance Act, 1951 (XXIII of 1951) shall continue in force up to the 31st day of March, 1954, and accordingly in that section for the figures "1953" as substituted therein by section 3 of the Finance Act, 1952 (XXIX of 1952), the figures "1954" shall be substituted.

8. *Discontinuance of Salt duty.*—For the year beginning on the 1st day of April 1953, no duty shall be levied on salt manufactured in, or imported by sea or land into, the territory of India excluding the State of Jammu and Kashmir.

9. *Inland postage rates.*—The First Schedule to the Indian Post Office Act, 1898 (VI of 1898), as inserted therein by section 10 of the Finance Act, 1950 (XXV of 1950), shall be amended as follows :—

"(i) in column 2 of the entries under the heading "Book, Pattern and Sample Packets", for the words "Nine pies" and "Three pies", the words "One anna" and "Six pies" shall respectively be substituted; and

"(ii) in column 2 of the entries under the heading "Parcels", for the words "Six annas" in both the places where they occur, the words "Eight annas" shall be substituted."

THE FIRST SCHEDULE

(See section 4).

A

In the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), for Items Nos. 1, 9(5), 19, 20, 20(1), 20(2), 20(3), 21, 28(14), 28(26), 28(27), 28(28), 30(7), 31(5), 44(7), 45(4), 45(5), 48(1), 48(3), 48(4), 48(5), 48(7), 48(8), 48(9), 48(10), 49(1), 51, 52, 54, 56, 56(1), 59(2), 59(3), 59(4), 59(5), 60, 61, 75(1), 77(2), 83, 85, 86 and 86(1), the following Items shall be substituted and such substitutions shall be inserted in their appropriate places :—

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
1	Animals, living, all sorts not otherwise specified.	.....	Free	.....	.....	.....
1(1)	Horses of a value exceeding Rs. 2,000 each.	Revenue ...	20 per cent.	.....	.....	.....
9(5)	Betal-nuts	.....	<i>ad valorem</i>	.....	.....	.....
19	Bisonits	.....	Preferential 10 annas per lb.	.....	9 ½ annas per lb.	.....
19(1)	Milk foods for infants and invalids, canned or bottled.	Revenue ...	66 2/3 per cent.	.....	.....	.....
19(2)	Patent foods for infants and invalids, canned or bottled [other than milk foods falling under item 19(1), and not containing cocoa or chocolate.]	Revenue ...	<i>ad valorem</i>	.....	.....	.....
19(3)	Cakes and farinaceous and patent foods, canned or bottled, not otherwise specified.	Revenue ...	17 ½ per cent.	.....	.....	.....
20	Vegetable product, pickles, chutnies, sauces, ketchups and condiments, canned or bottled.	Revenue ...	<i>ad valorem</i>	.....	.....	.....
20(1)	Fruit juices, squashes, cordials and syrups not otherwise specified :— (a) manufactured in a British colony. (b) not manufactured in a British colony.	Revenue ...	31 ½ per cent.	.....	.....	.....
		Revenue ...	<i>ad valorem</i>	.....	.....	.....
		Revenue ...	66 2/3 per cent.	.....	.....	.....
		Revenue ...	<i>ad valorem</i>	.....	.....	.....
		Revenue ...	55 per cent.	.....	.....	.....
		Revenue ...	<i>ad valorem</i>	.....	.....	.....
		Revenue ...	65 per cent.	.....	.....	.....
		Revenue ...	<i>ad valorem</i>	.....	.....	.....

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 7th March 1953.

MINISTRY OF WORKS, HOUSING AND SUPPLY

S. R. O. 443.—New Delhi, the 27th February 1953—In exercise of the powers conferred by section 23 of the **Delhi and Ajmer Rent Control Act, 1952** (XXXVIII of 1952), and in supersession of the notification of the Government of India in the late Ministry of Works, Production and Supply No. 4290-WII/52, dated the 3rd June, 1952, the Central Government hereby appoints the Deputy Commissioner Delhi, as Controller for the purpose of performing the functions assigned to the Controller by Chapter IV of the said Act.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

S. R. O. 445.—New Delhi, the 23rd February 1953—In exercise of the powers conferred by section 5 of the **Mines and Minerals (Regulation and Development) Act, 1948** (LIII of 1948), the Central Government hereby directs that the following further amendments shall be made in the Mineral Concession Rules, 1949, namely :—

In the said Rules—

1. Sub-rule (4) of rule 26 shall be omitted.
2. In the second proviso to rule 45 the words from “and no mining operation”, to “prior approval of the Central Government” shall be omitted.

S. R. O. 446.—New Delhi, the 27th February 1953—In exercise of the powers conferred by section 5 of the **Mines and Minerals (Regulation and Development) Act, 1948** (LIII of 1948), the Central Government hereby directs that the following amendments shall be made in the Mineral Concession Rules, 1949, namely :—

In the said Rules—

1. After rule 17 the following rule shall be inserted, namely :—

17A. *License to be executed within three months*—Where a license has been granted under rule 17, the formal license shall be executed within three months of the date of the order granting the license and if no such formal license is executed within the aforesaid period the order granting the license shall be deemed to have been revoked ;

Provided that where the State Government is satisfied that the applicant for the license is not responsible for the delay in the execution of the formal license, the State Government may permit the execution of the formal license after the expiry of the aforesaid period of three months.

2. After rule 28 the following rule shall be inserted, namely :—

28A. *Lease to be executed within six months*—When a mining lease is granted, the formal lease shall be executed within six months of the order sanctioning the lease and if no such lease is executed within the aforesaid period the order sanctioning the lease shall be deemed to have been revoked.

Provided that where the State Government is satisfied that the applicant for the lease is not responsible for the delay in the execution of the formal lease, the State Government may permit the execution of the formal lease after the expiry of the aforesaid period of six months.

MINISTRY OF LABOUR

S. R. O. 447.—New Delhi, the 21st May 1952—In exercise of the powers conferred by section 73-A of the **Employees' State Insurance Act, 1948** (XXXIV of 1948), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S. R. O. 279, dated the 6th February, 1952, namely :—

In the said notification, after the proviso to paragraph 2 the following further proviso shall be inserted, namely :—

“Provided further that in the case of a wage period commencing before and ending on or after the 24th February, 1952 the amount to be included in the total wage bill shall be such amount as bears to the wages for such wage period the same proportion which the number of days included in the period from the 24th February, 1952, to the last day of such wage period, (both days inclusive) bears to the total number of days in such wage period.”

S. R. O. 449.—New Delhi, the 23rd February 1953—In exercise of the powers conferred by Section 7 of the **Employees' Provident Funds Act, 1952** (XIX of 1952), the Central Government hereby directs that the following amendment shall be made in the **Employees' Provident Funds Scheme, 1952**, namely :—

In paragraph 27 of the said scheme—

(1) for the words from ‘sent to the Commissioner within three months of the date’ to ‘entitled, to become a member of the Fund’, the following shall be substituted, namely :—

“sent to the Commissioner—

(a) in the case of a subscriber to whom this Scheme applied on or before the 6th January, 1953, not later than the 6th April, 1953,

(b) in the case of a subscriber to whom this Scheme applies at any time after the 6th January, 1953, within three months of the date on which the Scheme becomes applicable to him, to continue to subscribe to such Provident Fund and in that case he shall not be required or be entitled to become a member of the Fund.”

(2) In the existing proviso, after the word ‘provided’ the word ‘further’ shall be inserted and before the proviso as so amended, the following proviso shall be added, namely :—

“Provided that the Commissioner may, for reasons to be recorded in writing, entertain any such application after the expiry of the period specified in this paragraph.”

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 18th April 1953.

MINISTRY OF LAW

S. R. O. 699.—New Delhi, the 8th April 1953—In pursuance of clause (1) of article 239 and clause (1) of article 243 of the Constitution, and in supersession of the notification of the Government of India in the late Home Department No. 204/37-Judl., dated the 5th May, 1933, and in partial modification of the notification of the Government of India in the Ministry of States No. S. R. O. 460, dated the 24th August, 1950, in so far as it relates to the Civil Procedure Code, 1908 (Act V of 1908), the President hereby directs that the functions assigned to the Central Government by Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908) shall be discharged by the Lieutenant-Governor or the Chief Commissioner, as the case may be, of every Part C State, except the State of Manipur, in respect of such Part C State, and by the Chief Commissioner of the Andaman and Nicobar Islands in respect of those Islands.

S. R. O. 700.—New Delhi, the 9th April 1953—The following Order, known as the Reciprocal Enforcement of Judgments (India) Order, 1953, issued by the Government of the United Kingdom of Great Britain and Northern Ireland in the matter relating to reciprocity between India and the United Kingdom as regards the execution of decrees of civil courts is published for general information :—

"1953 No. 192

JUDGMENTS

The Reciprocal Enforcement of Judgments (India) Order, 1953.

Made.....11th February, 1953.

Coming into operation 1st March, 1953.

At the Court at Buckingham Palace, the 11th day of February, 1953.

PRESENT

The Queen's Most Excellent Majesty in Council.

Whereas by virtue of Section 1 of the Foreign Judgments (Reciprocal Enforcement), Act, 1933 (a) (herein referred to as "the said Act") and of Article (1) of the Reciprocal Enforcement of Judgments (General Application to His Majesty's Dominions etc.) Order, 1933 (b), Her Majesty may extend Part I of the said Act to any foreign country and to any Dominion:

And whereas by Section 44A of an Act of the Indian Legislature entitled the Code of Civil Procedure, which extends to the territories of the Republic of India named in the Schedule hereto, a decree of any of the Superior Courts of the United Kingdom may be executed in the said territories :

And whereas the said Act was extended to British India by the Reciprocal Enforcement of Judgments (British India and British Burma) Order, 1938 :

And whereas it is expedient to apply the said Act to the said territories named in the Schedule hereto :

Now, therefore, Her Majesty, by virtue and in exercise of Her powers under the said Act and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the Reciprocal Enforcement of Judgments (India) Order, 1953, and shall come into operation on the first day of March, 1953.

2. The Reciprocal Enforcement of Judgments (British India and British Burma) Order, 1938 (c), is hereby repealed.

3. Part I of the said Act shall extend to the territories of the Republic of India named in the Schedule hereto.

4. The following Courts of the said territories shall be deemed Superior Courts of the said territories for the purposes of Part I of the said Act, that is to say :—

(a) All High Courts and Judicial Commissioners' Courts.

(b) All District Courts.

(c) All other Courts whose civil jurisdiction is subject to no pecuniary limit provided that the Judgment sought to be registered under the said Act is sealed with a seal showing that the jurisdiction of the Courts is subject to no pecuniary limit.

W. C. AGNEW.

THE SCHEDULE

The States of Assam (except the Tribal Areas), Bihar, Bombay, Madhya Pradesh, Madras (except the Scheduled Areas), Orissa, Punjab, Uttar Pradesh, West Bengal, Hyderabad, Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra, Travancore-Cochin, Ajmer, Bhopal, Bilaspur, Coorg, Delhi, Himachal Pradesh, Kutch, Tripura, Vindhya Pradesh, the Andaman and Nicobar Islands.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

(a) 23 & 24 Ges. 5 C. 13.

(b) S. R. & O. 1933/1073 ; Rev. XI, p. 163 ; 1933, p. 953.

(c) S. R. & O. 1938/1363 ; 1938 I, p. 1601.

The purpose of the Order is to extend the application of the Foreign Judgments (Reciprocal Enforcement) Act, 1933, to all the territories of India named in the Schedule appended to the Order, and to repeal the Order previously made in respect of British India and British Burma."

MINISTRY OF EXTERNAL AFFAIRS

The Abducted Persons Recovery Rules, 1953.

S. R. O 703.—New Delhi, the 11th April 1953—In exercise of the powers conferred by section 10 of the Abducted Persons (Recovery and Restoration) Act, 1949 (LXV of 1949), the Central Government hereby makes the following rules :—

1. *Short Title.*—These rules may be called the Abducted Persons Recovery Rules, 1953.

2. *Definition.*—In these rules "the Act" means the Abducted Persons (Recovery and Restoration) Act, 1949 (LXV of 1949).

3. *Central Government to appoint persons to be in charge of camps.*—Every camp established under the Act shall be under the charge of a person appointed by the Central Government in this behalf, and the person in charge shall be responsible for the maintenance of health and good order in the camp and of harmonious relations among the persons detained therein.

4. *Provision for safety, shelter, clothing, etc.*—Adequate arrangements shall be made in every camp for the safety and protection of all persons detained therein in pursuance of the Act, and every person so detained shall be provided with accommodation, food, clothing and medical aid in accordance with such instructions as the Central Government may issue in this behalf.

5. *Power to transfer abducted persons from one camp to another.*—Subject to any general or special orders which may be issued by the Central Government in this behalf, it shall be lawful for the person in charge of a camp in any State to transfer any abducted person detained therein to another camp whether within or without the State.

6. *How abducted persons are to be escorted.*—Whenever an abducted person who is a female has to be removed from one place to another, whether from the place of recovery to the camp or from one camp to another camp or to any other place for the purpose of restoration under the Act, she shall, whenever possible, be escorted, by another woman and also by an officer not below the rank of an Assistant Sub-Inspector of Police.

7. *Restoration of abducted persons to their relatives where no dispute exists.*—In any case where no dispute exists as to the person temporarily detained in a camp being an abducted person, it shall be lawful for an officer authorised in this behalf, subject to the provisions contained in section 6 of the Act, to restore the abducted person to his or her relatives, or to hand over the abducted person to any other person whether within or without India.

8. *Composition of the Tribunal.*—The Tribunal for deciding any question under section 6 of the Act shall consist of two officers specially appointed for the purpose by the Central Government, and the constitution of the Tribunal shall be notified in the Official Gazette.

9. *Procedure of Tribunal.*—(1) The Tribunal shall, subject to the provisions hereinafter contained, have power to regulate its own procedure including the fixing of the place, date and time of its sittings.

(2) In the disposal of any matter coming before it, the Tribunal shall

not be bound by any law relating to civil or criminal procedure or evidence but shall follow such procedure as will enable it to arrive at a proper decision, and shall give to every person interested who may appear before it a reasonable opportunity of being heard :

Provided that no legal practitioner shall be entitled to appear on behalf of any person in any matter before the Tribunal.

10. *Medical examination of abducted persons.*—Every abducted person shall be medically examined and treated, if necessary, before restoration.

11. *Procedure of Tribunal in case of abducted children.*—(1) Where the child of an abducted person has been recovered along with the abducted person, the Tribunal shall, having due regard to the welfare of the child, dispose of the case of such child, as if the child had been separately recovered.

(2) Where any child born during the period of abduction is found to be abandoned by its mother, the Tribunal shall specify the person to whom it is to be restored or handed over and, pending such restoration [or handing over, shall specify the person by whom and the manner in which the abducted child is to be looked after :

Provided that if any such child is not so restored to the person from whose custody it was recovered, it shall be sent to such home recognised by the Central Government as the Tribunal thinks fit to specify.

12. *Review or revision of decisions of Tribunal.*—Any abducted person or any person in charge of a camp or any other person interested in the matter may apply to the Central Government for reviewing or revising any decision of the Tribunal within fifteen days from the date on which such decision was communicated to the abducted person or the person in charge, as the case may be, and in the case of any other person interested, within fifteen days from the date of the decision.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 23rd May 1953.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 18th May 1953.

S R. O. 948.—In exercise of the powers conferred by section 22 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952), the Central Government hereby makes the following rules, viz. :—

1. *Short Title.*—These rules may be called the **Requisitioning and Acquisition of Immovable Property Rules, 1953.**

2. *Definitions.*—In these Rules,

(a) 'Act' means the Requisitioning and Acquisition of Immovable Property Act, 1952.

(b) 'Form' means a form appended to these rules.

(c) 'Section' and 'Sub-section' mean respectively a section or sub-section of the Act.

3. *Procedure to be followed by competent Authority for purposes of Section 3(1).*—A notice under clause (a) of sub-section (1) and order under clause (b) of sub-section (1) of section 3 of the Act shall be in Form 'A'.

4. *Order of Requisitioning.*—The order of requisition under sub-section (2) of section 3 of the Act and the notice under sub-section (1) of section 4 of the Act shall be issued in Form 'E'.

5. *Breaking open of locks on requisitioned property.*—Where the possession of a requisitioned property is not handed over in compliance with an order issued under Sub-section (1) of Section 4 of the Act and the

premises are found locked, the competent authority or any other person authorised by it in writing in this behalf may break open the lock in the presence of two witnesses and take possession of the property.

Provided that :—

(i) before any such action is taken the competent authority shall satisfy itself that the order under sub-section (1) of Section 4 has been duly served on the party concerned and that the party is evading compliance with the order ;

(ii) the powers under this rule shall not be exercised at any time after sunset or before sunrise ; and

(iii) where possession is taken in pursuance of the powers conferred by this rule, an inventory of the articles found in the premises shall be made in the presence of two witnesses and such articles shall be stored in safe custody.

6. *Repairs to requisitioned premises.*—A notice under Sub-section (2) of section 5 of the Act shall be in Form 'F'. The time for execution of repairs to be specified in the notice shall be such as the competent authority may deem reasonable having regard to the nature of repairs and other circumstances of the case.

7. *Procedure to be followed in releasing the property.*—(1) For the purpose of Sub-section (2) of Section 6 the competent authority may, if it considers it necessary so to do, make or cause to be made by an officer empowered in this behalf by it, an enquiry to obtain information in respect of the following matters, namely,

(i) the name and address of the person from whom the property was requisitioned ;

(ii) the name and address of the person in possession of the property at the time the property was requisitioned ;

(iii) the name of the person who has been receiving compensation ;

(iv) whether any alternative accommodation was provided to the occupant when the property was requisitioned or whether any compensation was paid to him for vacating the property, or whether the occupants, if any, relinquished their claims for reoccupation of the property ;

(v) whether the occupant was a *bonafide* tenant of the property or was an unauthorised occupant or has no claim in law for the restitution of the property ;

(vi) whether the owner of the property on whom the requisitioning order was first served, had sold the property and if so to whom ;

(vii) in case the property has been sold whether the owner has sold all rights in respect of the property ;

(viii) whether there is any objection to the property being derequisitioned in favour of the owner from whom the property was requisitioned ;

(ix) the state of repairs of property at the time of enquiry ;

(x) whether any structure or articles belonging to Government have been erected or installed in the property and their value ;

(xi) the condition of the property at the time of requisition and whether the property is in as good a condition at it was when possession thereof was taken subject to change caused by reasonable wear and tear or irresistible force ;

(xii) the estimated cost of restoration ; and

(xiii) any other matter that the competent authority may consider necessary for the purpose of specifying the person to whom possession of the property may be given.

(2) Before issuing an order of release under sub-section (1) of section

6 of the Act, the authority to whom the powers of the Central Government have been delegated for this purpose, shall obtain the approval of the Central Government in the administrative Ministry concerned.

(3) An order under sub-section (2) of section 6 shall be issued in Form 'G'.

(4) A notice under sub-section (4) of Section 6 shall be in Form 'H'.

8. *Acquisition of requisitioned property.*—A notice under sub-section (1) of section 7 of the Act calling upon the owner or any other person interested in a requisitioned property to show cause why the property should not be acquired, shall be in Form 'I'. A notice of actual acquisition shall be in Form 'J'.

9. *Compensation.*—An authority to whom the powers of the Central Government have been delegated shall, as far as may be, associate with itself the local officer of the Central Government concerned with the property in fixing compensation under clause (a) of sub-section (1) of section 8, and obtain the approval of the Central Government in the administrative Ministry concerned.

(2) Compensation for requisitioned property, other than agricultural land, shall be paid by the competent authority quarterly in arrears. In the case of agricultural land, the compensation shall be paid either annually or on release of the land, whichever is earlier. The compensation shall be paid either in cash or by cheque at the discretion of the competent authority.

10. *Arbitration.*—(1) An arbitrator appointed under clause (b) of sub-section (1) of Section 8 shall complete the arbitration proceedings and give his award within 4 months.

(2) An arbitrator shall take down the evidence of each witness, not ordinarily in the form of question and answer, but in that of a narrative and shall sign it.

(3) Where before an arbitrator is able to finish the arbitration proceeding and make his award, a new arbitrator is appointed, the new arbitrator may deal with the evidence taken down by his predecessor as if such evidence had been taken down by him and may proceed with the arbitration proceedings from the stage at which his predecessor left it.

(4) The costs of arbitration and award shall be in the discretion of the arbitrator who may direct to, and by whom, and in what manner, they or any part thereof shall be paid, and in case an appeal is preferred to the High Court, such costs and the costs of the appeal shall be in the discretion of the High Court, who may direct to, and by whom, and in what manner, they or any part thereof shall be paid.

11. *Appeals.*—(1) Appeals under section 10 shall be addressed to the Secretary to the Government of India in the administrative Ministry concerned with the requisitioned property. Where, however, the appeal relates to a property requisitioned in a Part 'C' State, the appeal shall be addressed to the Chief Commissioner, or, if there is no Chief Commissioner, to the Chief Secretary of the State.

(2) Every appeal shall contain the grounds of appeal and shall be accompanied by a copy of the order against which the appeal is preferred.

12. *Summoning of persons and witnesses and production of documents.*—An order under section 12 of the Act summoning and enforcing the attendance of any person and examining him on oath or requiring the discovery and production of any document shall be issued in Form 'B'. An order requisitioning public records from any court or office shall be issued in Form 'C', while an order issuing commissions for examination of witnesses shall be in Form 'D'.

13. *Inspection of premises.*—The competent authority or any officer, empowered in this behalf by such authority, by general or special order, shall not in exercise of the powers conferred by section 14, enter upon any property after sunset or before sunrise.

FORM 'A'
NOTICE AND ORDER

WHEREAS, I, _____ being the competent authority
(name and designation)

under the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952) am of opinion that the property described in the Schedule hereto annexed is needed/or likely to be needed for a public purpose, to wit, * _____, being a purpose of the Union and that the said property should be requisitioned ;

*Here mention the purposes for which the property shall be requisitioned.

Now, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, I as the competent authority hereby call upon _____, being the owner of the said property to show

_____ name of person _____ person in possession
cause within fifteen days of the date of service of this instrument upon him why the said property should not be requisitioned and I further direct that neither the owner of the said property nor any other person shall without my permission dispose of or structurally alter the said property or let it out to a tenant until the expiry of two months from the date of service of this instrument upon him.

†Strike off the irrelevant words.

SCHEDULE

Competent Authority.

Signature.

Designation.

To

FORM 'B'
(See Rule 12)
SUMMONS TO WITNESS

Case No. _____ of 195 .

In the office _____

Proposed requisitioning acquisition fixation of compensation in respect
of _____
To _____

WHEREAS your attendance is required to give evidence/produce the documents described in the list enclosed in the above case, you are hereby required (personally) to appear before the undersigned on the _____ day of _____, 195 , at _____

O'Clock in the forenoon/afternoon and to bring with you (or to send to this office) the said documents.

In case you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in Rule 12 of Order XVI of C. P. C.

Given under my hand and the seal of this office this _____ day of 195 .

Competent Authority/Arbitrator.

SEAL

— — —
FORM 'C'
(See Rule 12)
REQUISITION FOR PUBLIC RECORD

To

.....
.....
.....

Please arrange to send per bearer/through your clerk on — — —, the public record(s) mentioned below for my examination in connection with the proposed requisitioning/acquisition/fixation of compensation in respect of

Given under my hand and Seal of this Office, the — — — day of 195 .

Details of record.

1.....
2.....

Competent Authority/Arbitrator. .

SEAL

— — —
FORM 'D'
(See Rule 12)
FORM OF COMMISSION

IN THE MATTER OF

It is ordered as follows : —

1. A Commission may issue directed to _____ of _____ for the examination upon interrogatories or *viva voce* before the aforesaid Commissioner of the following witnesses :

(1)
(2)
(3)

2. In the event of any witness on his examination, cross-examination or re-examination producing any book, document, letter, paper, or writing, and refusing for good cause to be stated in his deposition, to part with the original thereof, then a copy thereof, or extract therefrom certified by the Commissioner to be a true and correct copy or extract shall be annexed to the witness's deposition.

3. Each witness to be examined under the commission shall be examined on oath, affirmation or otherwise in accordance with his religion by or before the said Commissioner.

4. The depositions to be taken under and by virtue of the said commission shall be subscribed by the witness or witnesses and by the Commissioner.

5. The interrogatories, cross-interrogatories and deposition, together with any documents referred to therein or certified copies thereof or extracts therefrom shall be sent to the competent authority/arbitrator on or before the _____ day of _____, or such further or other day as may be ordered by registered post.

Dated this _____ day of _____ 19 .

Competent Authority/Arbitrator.

FORM 'E'
ORDER AND NOTICE

WHEREAS by a notice issued or deemed to be issued under sub-section (1) of section 3 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952), _____ was
(enter name of the person)

called upon to show cause within the period specified therein why the property specified in the Schedule hereto annexed should not be requisitioned;

AND WHEREAS the said period has expired and no cause has been shown against the said notice or the cause shown against the said notice has been considered ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 3 and by section 4 of the said Act, I, _____
(name)

_____ being a competent authority under the said Act having
(Designation)

been satisfied that it is necessary or expedient so to do, do hereby requisition the said property and I hereby order the said _____ to
(enter the name)

surrender or deliver possession thereof to _____ within
(enter Designation of officer)

thirty days of the service of this notice.

If the said _____ refuses or fails to comply with the above
(enter the name)
order, it shall be lawful for me to take possession of the property and for that purpose to use such force as may be necessary.

SCHEDULE

Signature.
Designation.

To

FORM 'F'
ORDER

WHEREAS the premises known as _____ have been requisitioned under section 3 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952) or are deemed to have been requisitioned under that section, by virtue of the provisions of section 24 of the said Act.

AND WHEREAS the said premises are in need of repairs specified in the Schedule hereto appended :

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 5 of the said Act, I, _____,
(enter name) (enter designation)

being the competent authority, under the said Act do hereby order _____, the landlord of the said premises to execute the repairs specified in the schedule, being repairs which are necessary and are usually made by landlords in the locality in which the premises are situated within a period of _____ from the date of service of this notice.

If the said landlord fails to execute the repairs specified in this order within the aforesaid period, I shall cause the same to be executed at his expense and the cost thereof shall, without prejudice to any other mode of recovery be deducted from the compensation payable to him.

SCHEDULE

Signature.
Designation.

To

FORM 'G'
ORDER

WHEREAS the property specified in the Schedule hereto annexed was requisitioned by the order of the _____, No. _____ dated _____ with effect from the _____ until further orders of the Central Government.

AND WHEREAS the Central Government have now decided that the said property shall be released from requisition with effect from _____

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 6 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (No. XXX of 1952), I, _____,

(enter name and designation)

being the competent authority hereby specify Mr./Messrs. _____ as the person/persons to whom possession of the said property shall be given.

SCHEDULE

Signature.
Designation.

To

FORM 'H'
NOTICE

WHEREAS the property specified in the Schedule hereto annexed was requisitioned by the order of the _____, No. _____ dated _____ with effect from _____ until further orders of the Central Government.

AND WHEREAS the Central Government have decided that the said property shall be released from requisition ;

AND WHEREAS, in exercise of the powers conferred by sub-section (2) of section 6 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (No. XXX of 1952), I, _____,

(name) (designation)

being a competent authority under the said Act have specified Shri _____ as the person to whom possession of the said property shall be given ;

AND WHEREAS, the said Shri _____ cannot be found and has no agent or other person empowered to accept delivery on his behalf ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, I, _____ do

(name and designation)

hereby declare that the said property is released from requisition.

SCHEDULE

Signature.
Designation.

To

FORM 'I'
NOTICE

WHEREAS, the Central Government is of opinion that the property described in the Schedule hereto annexed which is subject to requisition should be acquired for a public purpose namely—

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government do hereby call upon Shri _____ being the owner of the said property to show cause within fifteen days of the date of service of this notice upon him why the said property should not be acquired.

SCHEDULE

Signature.
Designation.

(SEAL)
To _____

FORM 'J'
NOTICE

WHEREAS a notice under the proviso to sub-section (1) of Section 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (No. XXX of 1952), was issued by the Central Government to Shri _____ being the owner of the said property calling upon him to show cause within the period specified therein why the said property should not be acquired ;

AND WHEREAS, the said period has expired and no cause has been shown against the said notice the cause shown against the said notice has been considered ;

NOW, THEREFORE, in exercise of the powers of sub-section (1) of section 7 of the said Act, the Central Government having been satisfied that it is necessary so to do, do hereby acquire the said property.

SCHEDULE

Signature.
Designation.

Published in the *Gazette of India*, Part II-Section 3, dated 25th May 1953.

MINISTRY OF FINANCE (REVENUE DIVISION)

S. R. O. 961.—New Delhi, the 25th May 1953—In exercise of the powers conferred by sub-section (1) of section 46A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government hereby directs that the provisions of the said section shall not apply to the following persons, namely :—

1. all persons below the age of eighteen years ;
2. passengers in transit, holding through tickets, and passengers holding return tickets from a place outside India, provided that the total period spent in India does not exceed ninety days ;
3. all employees of the Central Government, and State Governments and local authority and their wives ;
4. (a) all Diplomatic envoys of Foreign and Commonwealth countries accredited to India and their wives ;
(b) Foreign Consular Officers *de carrière* posted in India and their wives ;
(c) Trade Commissioners and Trade Agents *de carrière* of Foreign and Commonwealth countries posted in India and their wives ;
(d) Members of the staff on the establishment of any of the officers mentioned in clauses (a), (b) and (c) above, provided they are nationals of the country represented by that officer, and are wholetime employees of the Government of that country and are not engaged in a private occupation for gain in India and their wives ; and
(e) officials of the United Nations and Specialized Agencies of the

United Nations to whom the United Nations (Privileges and Immunities) Act, 1947 (LXVI of 1947) is applicable and their wives ;

5. officials and representatives of Foreign and Commonwealth Governments visiting India on the business of their Governments and their wives ;

6. (a) all persons permitted by the Protector of Emigrants to depart out of India to Ceylon, Burma or Malaya for unskilled work ;

(b) all persons permitted by the Protector of Emigrants under section 17 of the Indian Emigration Act, 1922 (VII of 1922) to be recruited for being engaged on skilled work in an overseas country except those in respect of whom the Protector of Emigrants declares that a Tax Clearance or an Exemption Certificate is necessary ;

7. all persons proceeding on pilgrimage by sea to the Hejaz, on or before the 31st December 1953, provided that they travel on pilgrim ships with return tickets, hold pilgrim passes, and are not in possession of passports ;

Provided that subject to such general or special directions as the Central Government may issue, a competent authority may, at his discretion, require any of the aforesaid persons to obtain from him a tax clearance or an exemption certificate.

S. R. O. 962. — In exercise of the powers conferred by sub-section (4) of section 46A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government hereby makes the following rules :—

1. *Short title* — These Rules may be called the **Income-tax (Tax Clearance Certificates) Rules, 1953**.

2. *Definitions* — In these rules—

(a) 'the Act' means the Indian Income-tax Act, 1922 (XI of 1922) ;

(b) 'competent authority' means an authority appointed as such under section 46A of the Act ;

(c) 'form' means a form annexed to these Rules.

3. *Application for tax clearance certificate*.—(1) An application for a tax clearance certificate or an exemption certificate may be made in form 'B' to any competent authority.

(2) Where the applicant is a person domiciled in India or is a person who has been assessed by an Income-tax Officer anywhere in India, the application shall be accompanied by an authorisation in form 'A' to be obtained by the applicant from the Income-tax Officer within whose jurisdiction he ordinarily resides or is assessed to income-tax.

4. *Form of certificate*.—(1) A tax clearance certificate issued under sub-section (1) of section 46A of the Act shall be in form 'C' and shall be valid for the period mentioned therein.

(2) An exemption certificate issued under the proviso to sub-section (1) of section 46A of the Act shall be in form 'E' and shall be valid for the period mentioned therein.

5. *Production of certificates*.—Any person leaving India shall, at the request of any Customs Officer, produce to him for examination the tax clearance certificate or the exemption certificate, as the case may be.]

ANNEXURE TO THE RULES

Form A INCOME-TAX OFFICE

Folio No. .

.....195 .

To

The Income-tax Officer,
Foreign Section,

***Bombay/Calcutta/Delhi/Madras.**

***(i)** has been assessed by me upto
 *He/She has no liabilities outstanding under the Indian Income-tax Act, 1922 (XI of 1922), the E. P. T. Act, 1940 (XV of 1940) or the B. P. T. Act, 1947 (XXI of 1947). *He/She may be issued Clearance Certificate in Form C.

***(ii)** has been assessed by me upto
 *He/She has made satisfactory arrangements for the payment of taxes due up-to-date under the Indian Income-tax Act, 1922 (XI of 1922), the E. P. T. Act, 1940 (XV of 1940), the B. P. T. Act, 1947 (XXI of 1947) and has also made satisfactory arrangements for the payment of taxes which may become due in respect of assessment upto
 *He/She may be issued a Clearance Certificate in Form C.

***(iii)** is assessable in my jurisdiction. *He/She intends travelling abroad leaving India by *Air/Sea/Land from
 As *he/she intends to return to India, *he/she may be given an Exemption Certificate in Form E in respect of the journey/journeys to be commenced after and before
 Seal. Income-tax Officer.

*Strike out the paras which are not applicable.

Form B

**FORM OF APPLICATION FOR A CERTIFICATE UNDER SECTION
 46A (1) OF THE INDIAN INCOME-TAX ACT, 1922.**

To

The Income-tax Officer,
 Foreign Section,

*Bombay/Calcutta/Delhi/Madras.

Sir

***Tax Clearance Certificate**

- I request that a an Exemption Certificate be granted to me. I give below the necessary particulars :—

1. Name of applicant... ..
2. Domicile
3. Present Address
4. Permanent address... ..
5. Nature of Business, Profession or Vocation, etc., in India.....

(If the visit to India was made only as a tourist and no income was earned during the period of stay in India, it should be so stated)

6. Place (s) at which the Business, Profession or Vocation is/was carried on

7. Designation of the I. T. O., if any, who made the last assessment on the applicant

8. Date of arrival in India

9. Probable date of departure

10. Mode of travel (by *Air/Sea/Land)

11. Date of intended return, if any

Place.....

Yours faithfully,
 (Applicant)

Date.....

*Delete whichever is inappropriate

Form C **Folio No.**
CLEARANCE CERTIFICATE UNDER SECTION 46A (1) OF THE
INDIAN INCOME-TAX ACT, 1922

* (i) This is to certify that..... of..... has no liabilities outstanding under the Indian Income-tax Act, 1922 (XI of 1922), the Excess Profits Tax Act, 1940 (XV of 1940), the Business Profits Tax Act, 1947 (XXI of 1947.)

* (ii) This is to certify that of has made satisfactory arrangements for the payment of taxes which are or may become payable under the Indian Income-tax Act, 1922 (XI of 1922), the Excess Profits Tax Act, 1940 (XV of 1940), the Business Profits Tax Act, 1947 (XXI of 1947).

This certificate is valid only upto

Seal.

Date.....

Income-tax Officer,
 Foreign Section,
 *Bombay/Calcutta/Delhi/Madras.

*Strike out the para. which is not appropriate.

Form E **Certificate No.**
EXEMPTION CERTIFICATE UNDER PROVISIO TO SECTION 46A(1)
OF THE INDIAN INCOME-TAX ACT, 1922 (XI OF 1922).

This is to certify that of who intends to travel abroad is exempted from producing a Clearance Certificate under Section 46A(1) of the Indian Income-tax Act, 1922 (XI of 1922) in respect of the Journey/Journeys to commence after and before

Seal.

Date

Income-tax Officer,
 Foreign Section,
 Bombay/Calcutta/Delhi/Madras.

S. R. O. 963.—In pursuance of the provisions of section 46A of the **Indian Income-tax Act, 1922 (XI of 1922)**, the Central Government hereby appoints every Income-tax Officer (Foreign Section) subordinate to any of the Commissioners of Income-tax specified in the Schedule hereto annexed as a competent authority for the purposes of the said section.

SCHEDULE

1. The Commissioner of Income-tax, Bombay City.
2. The Commissioner of Income-tax, West Bengal, Calcutta.
3. The Commissioner of Income-tax, Delhi.
4. The Commissioner of Income-tax, Madras.
5. The Commissioner of Income-tax, Hyderabad.
6. The Commissioner of Income-tax, Bombay North, Baroda.
7. The Commissioner of Income-tax, Travancore-Cochin, Bangalore.

Published in the *Gazette of India*, Part II-Sec. 3, dated the 6th June, 1953.

MINISTRY OF LAW

New Delhi, the 2nd June 1953

S. R. O. 1035.—In exercise of the powers conferred by clause (a) of Rule 8B of Order XXVII of the First Schedule to the **Code of Civil Procedure, 1908 (Act V of 1908)** and in supersession of the notification of the Government of India in the Ministry of Law No. F. 83-1/48-L, dated the 19th July, 1948, the Central Government hereby appoints the officers specified in the second column of the Schedule annexed hereto as Government Pleaders for the purposes of the said Order in relation to any suit by or against the Central Government (not being a suit relating to—

1. the Northern Railway,
 2. the North Eastern Railway,
 3. the Eastern Railway,
 4. the Western Railway,
 5. the Central Railway,
 6. the Southern Railway, or
 7. the Chittaranjan Locomotive Works, Chittaranjan),
- or against a public officer in the service of the Central Government in any court specified in the first column of the said Schedule.

SCHEDULE

Courts	Officers
1. Assam—	
(i) High Court ...	The Senior Government Advocate and the Junior Government Advocates.
(ii) Other Courts ...	Government Pleaders.
2. Bihar (all Courts) ...	Government Pleaders.
3. Bombay—	
(i) High Court ...	The Government Pleader, Bombay,
(ii) High Court (Original side only) ...	The Solicitor to the Central Government at Bombay.
(iii) The City Civil Court ...	The Government Pleader in the City Civil Court, Bombay.
(iv) The Court of Small Causes ...	The Solicitor to the Central Government at Bombay and Mr. S. Narayaniah, B. A., LL. B.
(v) Other Courts ...	District Government Pleaders.
4. Madhya Pradesh—	
(i) High Court ...	Government Advocates.
(ii) Other Courts ...	Government Pleaders.
5. Madras—	
(i) High Court ...	The Government Pleader, Madras.
(ii) The City Civil Court and the Presidency Court of Small Causes ...	The Government Pleader, Madras.
(iii) Courts in the Mufassil ...	District Government Pleaders.
6. Orissa (All Courts) ...	Government Pleaders.
7. Punjab (All Courts) ...	Government Pleaders.
8. Uttar Pradesh—	
(i) High Court at Allahabad ...	The Senior Standing Counsel and the Junior Standing Counsel, Allahabad.
(ii) High Court at Allahabad Lucknow Bench. ...	The Additional Senior Standing Counsel and the Additional Junior Standing Counsel.
(iii) Other Courts ...	District Government Counsel.
9. West Bengal—	
(i) High Court ...	The Senior Government Pleader and the Assistant Government Pleader, Calcutta.
(ii) Other Courts ...	District Government Pleaders.
10. Hyderabad—	
(i) High Court ...	Government Pleader attached to the High Court.
(ii) City Civil Courts, Civil Courts of Secunderabad and Courts of Small Causes. ...	Government Pleaders attached to the concerned Courts.

Courts	Officers
(iii) District and Sessions Courts in the Districts.	Government Pleaders attached to the concerned Courts.
11. Madhya Bharat—	
(i) High Court	Government Advocate and Deputy Government Advocate.
(ii) Other Courts	Government Pleaders and Additional Government Pleaders.
12. Mysore—	
(i) Courts in the Districts of Mysore, Bangalore and Shimoga.	Government Pleaders.
(ii) Courts in the Districts of Chittaldurg, Hassan, Chickmagalur Mandya, Tumkur and Kolar.	Public Prosecutors who are <i>ex-officio</i> Government Pleaders.
13. Patiala and East Punjab States Union (all Courts).	Government Pleaders.
14. Rajasthan (all Courts)	Government Advocates or Government Pleaders.
15. Saurashtra—	
(i) High Court	The Government Pleader and the Assistant Government Pleader.
(ii) Other Courts	District Government Pleaders and Assistant District Government Pleaders.
16. Travancore-Cochin (all Courts)	Government Pleaders.

S. R. O. 1036. — In pursuance of rules 2 and 8 read with clause (a) of rule 8B of Order XXVII of the First Schedule to the **Code of Civil Procedure** (Act V of 1908) and in supersession of the notification of the Government of India in the Ministry of Law No. F. 83-II/48-L, dated the 19th July, 1948, the Central Government hereby authorises the officers appointed as Government Pleaders by notification of the Government of India in the Ministry of Law No. S. R. O. 1036, dated the 2nd June 1953, to act in any Court for which they have been so appointed,—

(a) for the Central Government in respect of any judicial proceeding by or against the Central Government, not relating to—

1. the Northern Railway,
2. the North Eastern Railway,
3. the Eastern Railway,
4. the Western Railway,
5. the Central Railway,
6. the Southern Railway, or
7. the Chittaranjan Locomotive Works, Chittaranjan ; and

(b) where the Central Government undertakes the defence of a suit against a public officer in the service of the Central Government, for such public officer.

Published in the *Gazette of India*, Part II-Sec. 3, dated the 27th June 1953.
MINISTRY OF RAILWAYS
New Delhi, the 18th June 1953.

S.R. O. 1266.—In exercise of the powers, conferred by rule 1, read with clause (a) of rule 8-B of Order XXVII of the First Schedule to the **Code of Civil Procedure, 1908** (Act V of 1908), the Central Government hereby

appoints, in addition to the persons already authorised in notifications of the Government of India in the Ministry of Railways (Railway Board) No. E51LL2/14/3, dated the 7th September, 1951, No. E51LL2/14/3/I, dated the 8th March, 1952, No. E51LL2/14/3/II, dated the 8th March, 1952 and No. E52LL1/19/3-I, dated the 10th July, 1952, each of the persons specified in column 2 of the Schedule annexed hereto to sign and verify written statements, petitions, applications including applications for executions and any other pleadings or proceedings in any suit or other proceedings relating to compensation (claims) against the Central Government arising out of loss of or damage to or deterioration of booked consignments in respect of the railway administration specified in the corresponding entry in column 1 of the said Schedule.

THE SCHEDULE

Railway Administration	Persons appointed to sign and verify written statements petitions, etc.
1	2
Southern Railway	Chief Commercial Supdt. Deputy Chief Commercial Supdt.
Central Railway	Chief Commercial Supdt. Deputy Chief Commercial Supdt.
Western Railway	Chief Commercial Supdt. Deputy Chief Commercial Supdt.
Eastern Railway	Chief Commercial Supdt. Deputy Chief Commercial Supdt.
North Eastern Railway	Chief Commercial Supdt. Deputy Chief Commercial Supdt.
Northern Railway	Chief Commercial Supdt. Deputy Chief Commercial Supdt.

- Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated March 7, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 463.—New Delhi, the 7th March 1953.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Cottonseed (Control) Order, 1952**, namely :—

“In clause 2 of the said Order for the words ‘West Khandesh and Poona’ the words ‘West Khandesh, Poona and Sholapur’ shall be substituted.”

Published in the *Gazette of India*, Extraordinary, Pt. II—Sec. 3, dated March 17, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 511.—New Delhi, the 17th March 1953.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Cottonseed (Control) Order, 1952**, namely :—

“In sub-clause (3) of clause 1 of the said Order for the word ‘three’ the word ‘six’ shall be substituted.”

Published in the *Gazette of India*, Extraordinary, Pt. II—Sec. 3, dated March 20, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 547.—New Delhi, the 19th March, 1953.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary

Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order, namely :—

1. *Short title, extent and commencement.*—(1) This Order may be called the **Rajasthan Gram and Gram Products (Export Control) Order, 1953.**

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. *Definitions.*—In this Order, unless the context otherwise requires,—

(a) 'export' means to take out of the State of Rajasthan by land, water or air to any place outside that State ;

(b) 'gram' means Bengal gram.

3. *Restriction on export of gram and gram products* —No person shall export gram or any gram product except under and in accordance with a permit issued under this order.

4. *Application for export of gram or gram products.*—Any person who intends to export gram or any gram product shall make an application in writing to such officer as the State Government may authorise in this behalf (hereinafter referred to as the 'authorised Officer') giving the following particulars, namely :—

(a) the name and address of the applicant ;

(b) the normal occupation of the applicant ;

(c) the quantity of gram or gram product intended to be exported.

5. *Disposal of application under clause 4.*—(1) When an application is made under clause 4, the authorised officer if satisfied that the application is *bona fide* shall grant a permit to the applicant permitting him to export 60 per cent. only of the gram or gram product intended to be exported, and the applicant shall, if so required, sell the balance of 40 per cent of the gram or gram product to the authorised officer—

(a) in the case of gram, at the rate of Rs. 10 per maund ;

(b) in the case of gram product, at the rate of Rs. 10 per maund plus the normal charges for converting gram into the gram product in question.

(2) Such fees as the State Government may fix in this behalf shall be payable in respect of every permit granted under sub-clause (1).

6. *Power of search, inspection and seizure.*—Any officer authorised by the State Government in this behalf may, with a view to securing compliance with this Order—

(a) enter and search any premises where gram or gram product intended for export is stored ;

(b) inspect or cause to be inspected any gram or gram product intended for export ;

(c) seize or cause to be seized gram or any gram product in respect of which he has reason to believe that a contravention of clause 3 has been, is being, or is about to be committed.

Published in the *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated April 10, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 686.—New Delhi, the 10th April 1953—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Cottonseed (Control) Order, 1952 :**

"In clause 2 of the said Order for the words Sholapur and Panchmahals the words 'Sholapur, Panchmahals and Dharwar' shall be substituted."

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated April 10, 1953.

MINISTRY OF HOME AFFAIRS

S. R. O. 685.—New Delhi, the 10th April, 1953.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Delhi, the East Punjab Ayurvedic and Unani Practitioners (Amendment) Act, 1952 (Punjab Act No. XXVIII of 1952), as at present in force in the State of Punjab, with the following modification, namely :—

Modification

In section 2 of the said Act, for the words and figures "the East Punjab Ayurvedic and Unani Practitioners Act, 1949" the words and figures "the East Punjab Ayurvedic and Unani Practitioners Act, 1949, as extended to Delhi" shall be substituted.

The text of the said Act, as modified, is published as an annexure to the notification.

ANNEXURE

PUNJAB ACT NO. XXVIII OF 1952.

The East Punjab Ayurvedic and Unani Practitioners (Amendment) Act, 1952.

An Act to amend the East Punjab Ayurvedic and Unani Practitioners Act, 1949.

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the East Punjab Ayurvedic and Unani Practitioners (Amendment) Act, 1952.

2. *Amendment of section 6 of the East Punjab Act, 1949.* (*East Punjab Act XIV of 1949*).—In the proviso to sub-section (1) of section 6 of the East Punjab Ayurvedic and Unani Practitioners Act, 1949, as extended to Delhi, for the word "two" the word "three" shall be substituted and shall be deemed always to have been so substituted.

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated April 21, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 740 —New Delhi, the 21st April 1953.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following order, namely :—

1. *Short title, extent and commencement.*—(1) This Order may be called the **Gram and Gram Products (Export Control) Order, 1953.**

(2) It extends to the States of Punjab, Patiala and East Punjab States Union, Madhya Bharat, Vindhya Pradesh and Bhopal.

(3) It shall come into force at once.

2. *Definitions.*—In this Order, unless the context otherwise requires,—

(a) 'export' means to take out of any State to which this Order extends to any place outside that State (including a place in any other State to which this Order extends) by land, water or air.

(b) 'gram' means Bengal gram.

3. *Restriction on export of gram and gram products.*—No person shall export gram or any gram product except under and in accordance with a permit issued under this Order.

4. *Application for export of gram or gram products.*—Any person who intends to export gram or any gram products shall make an application in writing to such officer as the State Government may authorise in this behalf (hereinafter referred to as the 'authorised Officer') giving the following particulars, namely :—

(a) the name and address of the applicant ;

- (b) the normal occupation of the applicant ;
- (c) the quantity of gram or gram product intended to be exported.

5. *Disposal of application under clause 4*—When an application is made under clause 4, the authorised officer if satisfied that the application is *bona fide* shall grant a permit to the applicant permitting him to export 60 per cent. only of the gram or gram product intended to be exported, and the applicant shall, if so required, sell the balance of 40 per cent. of the gram or gram product to the authorised officer—

- (a) in the case of gram, at the rate of Rs. 10 per maund ;
- (b) in the case of any gram product, at the rate of Rs. 10 per maund plus the normal charges for converting gram into the gram product in question.

6. *Power of search, inspection and seizure*.—Any officer authorised by the State Government in this behalf may, with a view to securing compliance with this Order—

- (a) enter and search any premises where gram or any gram product intended for export is stored ;
- (b) inspect or cause to be inspected any gram or gram product intended for export ;
- (c) seize or cause to be seized gram or any gram product in respect of which he has reason to believe that a contravention of clause 3 has been, is being, or is about to be committed.

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated May 8, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 878.—New Delhi, the 8th May 1953—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the **Cottonseed (Control) Order, 1952** namely :—

In the said Order :—

1. In clause 2 for the words 'Panchmahals and Dharwar' the words 'Panchmahals, Dharwar, Belgaum and Bijapur' shall be substituted.

2. After clause 3 the following clause shall be inserted, namely :—

"3A. *Furnishing of information*.—The Collector of a district which is a controlled area may direct any dealer in cottonseed and any owner of a cotton ginning factory to furnish to him such information relating to the stocks of cottonseed in his possession as may be specified in the direction and every such dealer in cottonseed and owner of a cotton ginning factory shall carry out such direction."

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated May 14, 1953.

MINISTRY OF LAW

S. R. O. 916.—New Delhi, the 14th May 1953—In exercise of the powers conferred by section 169 of the **Representation of the People Act, 1951** (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :—

In the said Rules—

(1) in sub-rule (5) of rule 21, the words "and faces the elector as he enters" shall be omitted.

(2) in item 4 of form 10, for the figures "79" the figures "63" shall be substituted.

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated May 15, 1953.

MINISTRY OF LAW

S. R. O. 917.—New Delhi, the 15th May 1953—In exercise of the powers conferred by section 28 of the **Representation of the People Act, 1950** (XLIII of 1950), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, namely :—

In the said Rules—

(1) in rule 5, in sub-rule (1), for the words “Electoral Registration Officer of the said constituency” the words “Chief Electoral Officer of that State” shall be substituted ; and

(2) in form 1, for the words “Electoral Registration Officer of the said constituency/electoral unit” the words “Chief Electoral Officer of that State” shall be substituted.

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated May 18, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 920A—New Delhi, the 18th May, 1953—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Gram and Gram Products (Export Control) Order, 1953**, namely :—

In sub-clause (2) of clause 1 of the said Order for the words “and Bhopal” the words “Bhopal and Bihar” shall be substituted.

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated May 19, 1953.
MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

S. R. O. 921A.—New Delhi, the 19th May 1953—In pursuance of clause (d) of Section 3 of the **Atomic Energy Act, 1948** (XXIX of 1948), and in supersession of the Notification of the Government of India in the Ministry of Natural Resources and Scientific Research No. AEC/21(28/50-4592, dated 18/19th September, 1952, the Central Government hereby prescribes the substances specified in the Schedule and any of their respective compounds as substances which in its opinion are or may be used for the production or use of atomic energy or research into matters connected therewith :—

THE SCHEDULE

- | | |
|---------------|----------------|
| 1. Uranium. | 6. Beryllium. |
| 2. Thorium. | 7. Lithium. |
| 3. Radium. | 8. Deuterium. |
| 4. Zirconium. | 9. Plutonium. |
| 5. Graphite. | 10. Neptunium. |

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated May 19, 1953.

MINISTRY OF NATURAL RESOURCES & SCIENTIFIC RESEARCH

S. R. O. 921B.—New Delhi, the 19th May 1953.—In exercise of the powers conferred by Section 10 of the **Atomic Energy Act, 1948** (XXIX of 1948), the Central Government hereby makes the following order, namely :—

ORDER

1. *Short title and commencement.*—(1) This Order may be called the **Atomic Energy (Control of Production and Use) Order, 1953.**

(2) It shall come into force at once.

2. *Definitions.*—In this Order, unless the context otherwise requires—

- (a) 'Act' means the Atomic Energy Act, 1948 ;
 (b) 'prescribed substance' has the meaning assigned to it by clause (d) of Section 3 of the Act ;
 (c) 'schedule' means the schedule to this Order ;
 (d) 'scheduled mineral' means any of the minerals specified in the Schedule

3. Declaration of certain minerals in relation to prescribed substances.—

(1) The minerals specified in the Schedule are hereby declared to be minerals from which in the opinion of the Central Government any of the prescribed substances can be obtained.

(2) The Central Government may, by notification in the 'Official Gazette, add to or otherwise alter the Schedule and where any such addition or alteration is made, that Schedule shall stand amended accordingly.'

4. Prohibition against working of scheduled minerals.—No person shall engage in the working of any scheduled mineral except under and in accordance with a licence issued by, or under the authority of, the Central Government.

5. Prohibition against acquisition of prescribed substances and scheduled minerals.—No person shall acquire, produce, treat, possess, use, dispose of, export or import any prescribed substance or any scheduled mineral except under and in accordance with a licence issued by, or under the authority of, the Central Government.

6. Prohibition against acquisition of certain plants.—No person shall except under and in accordance with a licence issued by or under the authority of the Central Government acquire, possess, use, dispose of, export or import any plant which is designed or adapted or manufactured for the production or use of atomic energy or for research in matters connected therewith

7. Cancellation and suspension of licences.—The Central Government may, without assigning any reason, by order, cancel any licence issued under this Order or suspend it for such period as may be specified in the Order.

THE SCHEDULE
SCHEDULED MINERALS
 [See clause 2(d)]

Pitchblende	Uranium bearing tailings left over
Columbite	from ores after extraction of
Samaraskite	copper or gold
Uraniferous Allanite	Ilmenite
Monazite	Zircon
	Rutile
	Beryl

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated May 28, 1953.

MINISTRY OF COMMUNICATIONS

S. R. O. 968A.—New Delhi, the 28th May 1953—In exercise of the powers conferred by sub-section (2) of Section 1 of the **Air Corporations Act, 1953** (27 of the 1953), the Central Government hereby appoints the 28th day of May, 1953, as the date on which the said Act shall come into force.

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated June 2, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 1031.—New Delhi, the 2nd June 1953—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary**

Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that save as otherwise provided in the Notification of the Government of Rajasthan No. F. 3(2)-IV/C S.(B)/53 dated the 9th March, 1953 and the Rajasthan Foodgrains (Rabi) Procurement Order, 1953 no order made or deemed to be made by any authority other than the Central Government under the said Act shall have effect so as to restrict the movement of any foodgrains and/or any product thereof between the States of Rajasthan and Ajmer.

S. R. O. 1032.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the **Rajasthan Gram and Gram Products (Export Control) Order, 1953**.

In the said order,—

(a) in clause 1,—

(i) in sub-clause (1) for the word 'Rajasthan' the words 'Rajasthan and Ajmer' shall be substituted ;

(ii) for sub-clause (2), the following sub-clause shall be substituted, namely :—

“(2) It extends to the States of Rajasthan and Ajmer.”

(b) in clause (2),—

(i) for sub-clause (a), the following sub-clause shall be substituted, namely :—

“(a) ‘export’ means to take out of the territories comprising the States of Rajasthan and Ajmer by land, water or air to any place outside those territories.”

(ii) after sub-clause (b) the following sub-clauses shall be inserted, namely :—

“(c) ‘gram product’ means any of the products of gram, including dhal, besan, atta and dana but excluding choori and husk ;”

(d) ‘State Government’ in relation to the State of Ajmer means the Chief Commissioner of that State.”

S. R. O. 1033 —In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Gram and Gram Products (Export Control) Order, 1953**.

In the said Order, after sub-clause (b) of clause 2, the following sub-clause shall be inserted, namely :—

“(c) ‘gram product’ means any of the products of gram, including dhal, besan, atta and dana but excluding choori and husk”.

Published in the *Gazette of India*, Extraordinary, Part II—Sec. 3, dated June 6, 1953.

MINISTRY OF COMMERCE AND INDUSTRY

S. R. O. 1068. —New Delhi, the 6th June 1953—In exercise of the powers conferred by sub-section (3) of section 1 of the **Indian Power Alcohol Act, 1948** (XXII of 1948), the Central Government hereby specifies the 8th day of June, 1953, as the date on which the said Act shall come into force, in the following areas in the State of Vindhya Pradesh namely :—

- (1) The district of Panna.
- (2) The district of Satna.
- (3) The district of Sidhi.
- (4) Beohari town in the district of Shahdol.
- (5) Rewa town in the district of Rewa.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 23rd May 1953.

MINISTRY OF FINANCE (REVENUE DIVISION)

S. R. O. 935.—New Delhi, the 13th May 1953—In exercise of the powers conferred by section 60A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government hereby makes the following further amendment in the Part B States (Taxation Concessions) Order, 1950.

In paragraph 6A of the said Order, before the existing proviso the following proviso shall be interted, namely :—

“Provided that where the total income of an assessee not being a company, includes any income chargeable under the head “salaries” as reduced by the deduction for earned income appropriate thereto, or any income chargeable under the head “Interest on securities”, or any income from dividends in respect of which, by virtue of section 49B of the Act, he is deemed himself to have paid income-tax imposed by the Act, the income-tax payable by the assessee on the part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable to his total income in the immediately preceding financial year, the same proportion as the amount of such inclusions bears to his total income. And where the total income of an assessee, not being a company, includes any income chargeable under the head “salaries” on which super-tax has been or might have been deducted under the provisions of sub-section 2 of section 18 of the Indian Income-tax Act, the super-tax payable, by the assessee on that portion of his total income which consists of such inclusion shall be an amount bearing to the total amount of super-tax payable according to the rates applicable to his total income in the immediately preceding financial year, the same proportion as the amount of such inclusion bears to his total of income.”

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 3, May 22, 1953.

MINISTRY OF NATURAL RESOURCES, & SCIENTIFIC RESEARCH

New Delhi, the 22nd May, 1953.

S. R. O. 958 —In pursuance of clause (1) of Article 239 of the Constitution, the President hereby directs that the Chief Commissioners of all Part C States shall, subject to the control of the President, exercise the powers and discharge the functions of the Central Government under clauses 4 and 5 of the **Atomic Energy (Control of Production and Use) Order, 1953.**

S. R. O. 959.—In exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President hereby entrusts to the Governments of all Part A and B States, except the State of Jammu and Kashmir, with their consent the functions of the Central Government under clauses 4 and 5 of the **Atomic Energy (Control of Production and Use) Order, 1953**, subject to the following conditions, namely :—

(1) that in exercising such functions, the State Governments shall comply with such general or special direction as the Central Government may issue, from time to time ;

(2) that the functions entrusted shall also be exercisable by the Central Government, should it deem fit to do so in any case.

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 3, June 6, 1953.

MINISTRY OF LAW

S. R. O. 1069.—New Delhi, the 6th June 1953—In exercise of the powers conferred by section 28 of the **Representation of the People Act,**

1950 (XLIII of 1950), the Central Government, after consulting the Election Commission hereby makes the following further amendments in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, namely :—

In the said Rules—

(a) For rule 14 the following rule shall be substituted, namely :—

"14. NOTICE OF CLAIMS OR OBJECTIONS.—Except where the Revising Authority rejects a claim of objection under sub-rule (4) of rule 10 or, being satisfied as to its validity, decides to allow it without further inquiry, the Revising Authority shall cause to be served—

(a) a notice in Form VI (Part II) or Form VIII (Part II), as the case may be, on the person making the claim or objection or his agent, and

(b) in the case of an objection, a notice in Form VIII (Part III) on the person to the inclusion of whose name the objection relates."

(b) In Form VIII,—

(i) in Part II, for the word, brackets and figures '(Rule 14 (1))' the word, brackets, figures and letter '(Rule 14(a))' shall be substituted ;

(ii) in Part III, for the word, figures and brackets '(Rule 14(2))', the word, figures, brackets and letter '[Rule 14(b)]' shall be substituted.

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 3, June 10, 1953.

MINISTRY OF COMMERCE AND INDUSTRY

S. R. O. 1073A.—New Delhi, the 10th June 1953—In exercise of the powers conferred by section 48 of the **Coffee Market Expansion Act, 1942** (VII of 1942), the Central Government hereby directs that the following further amendment shall be made in the Coffee Market Expansion Rules, 1940, namely :—

In sub-rule (1) of rule 6 of the said Rules for the words "three years" the words "three and half years" shall be substituted.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 13th June 1953.

CENTRAL BOARD OF REVENUE

S. R. O. 1093.—New Delhi, the 8th June 1953—In exercise of the powers conferred by sub-section (1) of section 59 of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Board of Revenue hereby directs that the following further amendments shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely :—

In the statement appended to rule 8 of the said Rules—

After entry (vii), in group B under sub-head (3) of the Heading 'III Machinery and Plant', the following entry shall be added, namely:—

"(viii) Salt pans, Reservoirs and Condensers etc. made of impervious clay.	Nil	Renewals will be allowed as revenue expenditure."
---	-----	--

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 1099.—New Delhi, the 5th June 1953—In pursuance of the provisions of sub-clause (3) of clause 1 of the **Foodgrains Licensing and Procurement Order, 1952**, the Central Government hereby directs that the said Order shall come into force on the 5th June, 1953, in respect of wheat in the State of Bombay excepting the areas specified in the schedule annexed to the notification of the Government of India in the Ministry of Food and Agriculture No. S. R. O. 2128, dated the 30th December, 1952.

MINISTRY OF HEALTH

S. R. O. 1104.—New Delhi, the 3rd June 1953—In exercise of the powers conferred by Section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Tripura, the Punjab Juvenile Smoking Act, 1918 (Punjab Act VII of 1918), as at present in force in the State of Punjab, subject to the following modifications, namely :—

Modifications

1. For sub-section (2) of Section 1, the following sub-section shall be substituted, namely :—

“(2) It extends to the whole of Tripura and shall come into force at once”.

2. For Section 4, the following section shall be substituted, namely:—

“4. If any boy apparently under the age of sixteen years be found smoking tobacco in any public place it shall be lawful for any teacher of a school or college, member of a Municipal Committee, legal practitioner, registered medical practitioner, or Magistrate to seize such tobacco and destroy it.

3. For Section 5, the following section shall be substituted, namely:—

“5. Notwithstanding anything contained in any other law for the time being in force, any magistrate specially empowered in this behalf by the Chief Commissioner of Tripura may try in a summary way any offence under this Act.

*Annexure****THE PUNJAB JUVENILE SMOKING ACT, 1918****PUNJAB ACT VII OF 1918**

* * * * *

[For remaining portion see *Gazette of India*, Part II-Section 3, dated the 13th June 1953, page 843. *Editor.*]

MINISTRY OF TRANSPORT

S. R. O. 1107.—New Delhi, the 4th June 1953—In exercise of the powers conferred by sub-section (2) of section 1 of the **Indian Merchant Shipping (Amendment) Act, 1953** (23 of 1953), the Central Government hereby appoints the 15th day of June 1953 as the date on which the said Act shall come into force.

MINISTRY OF RAILWAYS

S. R. O. 1109.—New Delhi, the 9th June 1953—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 47 of the **Indian Railways Act, 1890** (IX of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry No. 801, dated the 24th March 1905, the Railway Board hereby makes the following further amendments in the notification of the Government of India in the late Railway Department (Railway Board) No. 1080-T, dated the 18th February 1926, namely :—

In rule 8 of the said Rules, for sub-rules (b) and (c) the following sub-rules shall be substituted, namely :—

“(b) A charge of one rupee per package or article will be made for the period it remains at the station prior to transference to the Lost Property Office.”

“(c) A storage charge not exceeding one rupee per package or article per month or part of a month during which it remains in the possession of the Railway Administration as lost property will be made on all articles received in the Lost Property Office. The month shall be calculated from the date the article is deposited in one month to the previous date in the following month, *e. g.*, from 10th January to 9th February inclusive.”

MINSITRY OF LABOUR

S. R. O. 1112.—New Delhi, the 2nd June 1953—In exercise of the powers conferred by section 30 of the **Minimum Wages Act, 1948** (XI of 1948), the Central Government hereby makes the following further amendment in the Minimum Wages (Central) Rules, 1950, the same having been previously published as required by the said section.

In sub-rules (1) and (5) of rule 23 of the said Rules, after the word “employer” the words “at the workshop” shall be added.

S. R. O. 1117.—New Delhi, the 6th June 1953—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the **Payment of Wages Act, 1936** (IV of 1936), the Central Government hereby makes the following amendment in the Payment of Wages (Mines) Rules, 1949, the same having been previously published as required by sub-section (5) of the said section 26, namely :—

Amendment

For sub-rule (3) of rule 1, of the said Rules, the following sub-rule shall be substituted, namely :—

“(3) They extend to the whole of India, except the State of Jammu and Kashmir.”

S. R. O. 1118.—New Delhi, the 9th June 1953—In pursuance of the provisions of section 73-B of the **Employees’ State Insurance Act, 1948** (XXXIV of 1948), the Central Government hereby specifies the following authorities to be authorities by whom shall be decided any question or dispute arising in respect of the employer’s special contribution payable or recoverable under Chapter V-A of the said Act, within their respective jurisdictions, shown against such authorities in the schedule annexed hereto.

SCHEDULE

Name of State	Authority empowered to hear disputes under chapter V-A of the Employees’ State Insurance Act, 1948	Jurisdiction
Madhya Pradesh	Civil Judges (Class 1)	The areas within the limits of their respective jurisdictions.
Madhya Bharat	*The Judge, Labour Court, Indore.	The local areas of Indore, Dewas Sarangpur.
	*The Judge, Labour Court, Ujjain.	The local areas of Ujjain, Ratlam, Mandsaur, Mahidpur Road, Dalauda and Jaora.
	*The Judge, Labour Court, Lashkar.	The local areas of Gwalior and Dabra.

*Established under the Bombay Industrial Relations Act as adapted in Madhya Bharat.

New Delhi, the 6th June 1953

S. R. O. 1119.—It is hereby notified for general information that in pursuance of the provisions of paragraph 20 of the **Employees’ Provident Funds Scheme, 1952**, made under section 5 of the Employees’ Provident Funds Act, 1952 (XIX of 1952), the Central Government has appointed the Labour Commissioner *cum* Chief Inspector of Factories, Orissa, to be the Regional Commissioner for the whole of that State to work under the general control and superintendence of the Central Commissioner.

S. R. O. 1120.—In exercise of the powers conferred by sub-section (1) of section 13 of the **Employees’ Provident Funds Act, 1952** (XIX of 1952)

the Central Government hereby appoints the Labour Commissioner *cum* Chief Inspector of Factories Orissa, to be an Inspector for the whole of the State of Orissa for the purposes of the said Act and of any scheme made thereunder in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 3, June 16, 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 1131.—New Delhi, the 16th June 1953—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Cottonseed (Control) Order, 1952**, namely :—

“In sub-clause (3) of clause 1 of the said Order for the word ‘six’ the word ‘nine’ shall be substituted”.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 20th June 1953.

MINISTRY OF FINANCE (REVENUE DIVISION)

S. R. O. 1149.—New Delhi, the 9th June 1953—In exercise of the powers conferred by section 37 of the **Central Excises and Salt Act, 1944** (I of 1944), the Central Government hereby directs that the following further amendments shall be made in the Central Excise Rules, 1944, as amended from time to time, namely :—

In the said Rules,—

(1) in rule 2,—

(1) for clause (ii), the following clause shall be substituted, namely :—

“(ii) “Collector means—

(A) in relation to excisable goods other than salt—

(a) in the districts of Mehsana, Baroda, Dangs, Surat, Broach, Panchmahals, Kaira, Ahmedabad, Sabarkantha, Banaskantha and Amreli of the State of Bombay, and the States of Saurashtra and Kutch, the Collector of Central Excise, Baroda ;

(b) in the districts of the State of Bombay, other than those specified in sub-clause (a), the Collector of Central Excise, Bombay ;

(c) In the districts of the State of Madras other than those specified in sub-clause (b), and in the States of Coorg, Travancore-Cochin and Mysore, the Collector of Central Excise, Madras ;

(d) in the States of West Bengal and Orissa, the Collector of Central Excise, Calcutta ;

(e) in the States of Uttar Pradesh and Vindhya Pradesh, the Collector of Central Excise, Allahabad ;

(f) in the States of Assam, Tripura and Manipur, the Collector of Central Excise, Shillong ;

(g) in the States of Punjab, Delhi, Ajmer, Bilaspur, Himchal Pradesh, Patiala and East Punjab States Union and Rajasthan, excluding the Tehsils of Sironj and Latteri, the Collector of Central Excise Delhi ;

(h) in the districts of Srikakulam, Visakhapatnam, Krishna, West Godavari, East Godavari, Guntur, Bellary, Cuddapah, Anantapur and Kurnool of the State of Madras, and in the State of Hyderabad, the Collector of Central Excise, Hyderabad ;

(i) in the State of Bihar, the Collector of Central Excise, Patna ;

(j) in the States of Madhya Pradesh, Madhya Bharat, Bhopal, and the Tehsils of Sironj and Latteri in the State of Rajasthan, the Collector of Central Excise, Nagpur ;

(B) in relation to salt, the Salt Commissioner ; and includes any officer specially authorised under rule 4 or 5 to exercise throughout any State or any specified area therein all or any of the powers of a Collector under these rules ;”;

(2) in clause (iii), for the words “by a notification of the Central Board of Revenue”, the words “by the Central Government by a notification published in the Official Gazette” shall be substituted ; (ii) rules 107 and 108 shall be omitted.

S. R. O. 1153.—New Delhi, the 20th June 1953—In exercise of the powers conferred by section 6 of the **Sea Customs Act, 1878** (VIII of 1878), the Central Government hereby appoints the undermentioned officers of the Collectorate of Central Excise, Nagpur, to be officers of Customs within their respective jurisdictions and to exercise the powers conferred and to perform the duties imposed on such officers by the said Act :

1. The Collector of Central Excise.
2. All Assistant Collectors of Central Excise.
3. All Superintendents of Central Excise.
4. All Deputy Superintendents of Central Excise.
5. All Preventive Intelligence Inspectors of Central Excise.

MINISTRY OF LABOUR

S. R. O. 1182.—New Delhi, the 12th June 1953—In exercise of the powers conferred by section 35 of the **Industrial Disputes (Appellate Tribunal) Act, 1950** (XLVIII of 1950), the Central Government hereby directs that the following amendments shall be made in the Industrial Disputes (Appellate Tribunal) Rules, 1951, namely :—

Amendments

After rule 19 of the said Rules, the following rule shall be inserted, namely :—

“19A. *Application for permission under section 22.*—(1) An employer intending to obtain the express permission in writing of the Appellate Tribunal under section 22 shall present an application in Form F in triplicate to the Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

(2) Every application under sub-rule (1) shall be verified at the foot by the employer making it or by some other person proved to the satisfaction of the Tribunal to be acquainted with the facts of the case.

(3) The person verifying shall specify, by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.”

2. After Form E, the following Form shall be inserted, namely :—

Form F

(See rule 19 A)

Before the Labour Appellate Tribunal.

Application for permission under section 22 of the Industrial Disputes (Appellate Tribunal) Act, 1950.

A Applicant (address)

Versus

B..... Opposite Party (ies) (address),

The above mentioned applicant begs to state as follows :—

(here set out the relevant facts and circumstances of the case and the grounds on which the permission is sought for).

The applicant therefore prays that express permission may kindly be granted to him to take the following action, namely :—

[here mention the action specified in clause (a) or clause (b) of section 2:].

Signature of the applicant
Dated this..... day of.....195

Space for verification

(Signature of the person verifying)

.....
Date (on which the verification was signed).....

Place (at which the verification was signed).....

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 27th June 1953.

MINISTRY OF COMMUNICATIONS

S. R. O. 1262—New Delhi, the 23rd June 1953—In exercise of the powers conferred by section 16 of the **Air Corporations Act, 1953** (27 of 1953), the Central Government hereby appoints the 1st day of August, 1953, for the purposes of the said section.

Published in the *Gazette of India*, Pt. II-Section 3, dated 4th July 1953.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 29th June 1953.

S. R. O. 1328—In exercise of the powers conferred by sub-section (1) of section 17 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (XXX of 1952), the Central Government hereby directs that the powers exercisable by it by or under sections 7, 8 and 10 of the said Act shall be exercisable also by the Chief Commissioner of Tripura in respect of property situated within the State of Tripura.

S. R. O. 1329.—In exercise of the powers conferred by sub-section (1) of section 17 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (XXX of 1952), the Central Government hereby directs that the powers exercisable by it by or under section 10 of the said Act shall be exercisable also by the Chief Commissioners of Ajmer, Bilaspur, Bhopal, Coorg, Kutch and Manipur and by the Chief Secretaries to the Government of Himachal Pradesh and Vindhya Pradesh in respect of property situated within their respective States.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 11th July 1953.

MINISTRY OF WORKS, HOUSING AND SUPPLY

S. R. O. 1377—New Delhi, the 6th July 1953—In pursuance of clause (b) of section 2 of the **Requisitioning and Acquisition of Immovable Property Act, 1952** (XXX of 1952), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Works, Production and Supply No. 879-WH/52, dated the 28th January, 1952, namely :—

In the table to the said notification, for the words "Controller of Accommodation, Bombay" the words 'Estate Manager, Government of India Estates, Bombay' shall be substituted.

Published in the *Gazette of India*, Pt. II Sec. 3, dated 1st August 1953.

MINISTRY OF HOME AFFAIRS

New Delhi, the 24th July 1953

S. R. O. 1470.—In pursuance of clause (b) of sub section (2) of section 508A of the **Code of Criminal Procedure, 1898** (Act V of 1898), the Central Government hereby specifies the following Judges and Magistrates in the Union of Burma by whom commissions for examination of witnesses residing in India may be issued, namely :—

(a) a Sessions Judge, an Additional Sessions Judge and a Special Judge appointed under the Special Investigation Administrative Board and Bureau of Special Investigation Act, 1951 (Burma Act No. 50 of 1951); and

(b) any Magistrate through the District Magistrate to whom he is subordinate.

S. R. O. 1471.—Whereas arrangements have been made with the Government of Burma for taking the evidence of witnesses residing in the Union of Burma in relation to criminal matters in courts in India, the Central Government in pursuance of sub-section (3) of section 504 of the **Code of Criminal Procedure, 1898** (Act V of 1898), hereby directs that commissions from courts in India for examination of witnesses in the Union of Burma shall be issued, in the form annexed hereto to the Court of any District Magistrate in the Union of Burma within the local limits of whose jurisdiction the witness resides, and the District Magistrate concerned may himself examine the witness, or direct any Magistrate of the first class subordinate to him to examine such witness.

ANNEXURE

In the Court of

Commission to examine witness outside India [Section 504(3) of the Code of Criminal Procedure Code, 1895].

To

Whereas it appears to me that the evidence of _____ is necessary for the ends of justice in case No. _____ Vs. _____ in the Court of _____ and that such witness is residing within the local limits of your jurisdiction and his attendance cannot be procured without an amount of unreasonable delay expense or inconvenience, I _____ have the honour to request and do hereby request that for the reasons aforesaid and for the assistance of the said Court you will be pleased to summon the said witness to attend at such time and place as you shall appoint and that you will cause such witness to be examined upon the interrogatories which accompany this commission (for *viva voce*).

Any party to the proceeding may appear before you by Pleader, or, if not in custody, in person, and may examine, cross-examine, or re-examine (as the case may be) the said witness.

And I further have the honour to request that you will be pleased to cause the answers of the said witness to be reduced into writing and all books, letters, papers and documents produced upon such examination to be duly marked for identification and that you will be further pleased to authenticate such examination by your official seal (if any) and by your signature and to return the same together with this commission to the undersigned through.....

Given under my hand and the seal of the Court this day of 19 ..

Judge
District Magistrate
Presidency Magistrate

MINISTRY OF TRANSPORT

S. R. O. 1494.—New Delhi, the 25th July 1953—In exercise of the powers conferred by sub-section (3) of section 1 of the **Road Transport Corporations Act, 1950** (LXIV of 1950), the Central Government hereby appoints the first day of August 1953, as the date from which the said Act shall come into force in the State of Saurashtra.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 15th August 1953.

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 1559.—New Delhi, the 10th August 1953—In pursuance of the provisions of sub-clause (3) of clause 1 of the **Foodgrains (Licensing and Procurement) Order, 1952**, the Central Government hereby directs that the said Order shall apply in the State of West Bengal in respect of all foodgrains except (1) wheat and wheat products, (2) paddy and (3) rice.

MINISTRY OF WORKS, HOUSING AND SUPPLY

S. R. O. 1575 —New Delhi, the 7th August 1953—In exercise of the powers conferred by sub section (1) of section 17 of the **Requisitioning the Acquisition of Immovable Property Act, 1952** (XXX of 1952), and clause (1) of article 258 of the Constitution of India, the Central Government hereby directs that the powers exercisable by it by or under sections 6 and 7, by or under section 8, except clause (b) of sub-section (1), and by or under section 13 of the said Act shall be exercisable also by the Deputy Commissioner of Bilaspur, Madhya Pradesh, in respect of any property situated within his jurisdiction.

Published in the *Gazette of India*, Pt. II Sec. 3, dated 24th August 1953. .

MINISTRY OF COMMERCE AND INDUSTRY

S. R. O. 1618 —New Delhi, the 24th August 1953—In exercise of the powers conferred by sub-section (3) of section 1 of the **Forward Contracts (Regulation) Act, 1952** (LXXIV of 1952), the Central Government hereby appoints the twenty fourth day of August 1953, as the date on which the provisions of Chapters II to VI (inclusive) of the said Act shall come into force in the whole of India except the State of Jammu and Kashmir.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 29th August 1953.

MINISTRY OF HOME AFFAIRS

S. R. O. 1624.—New Delhi, the 26th August 1953—In exercise of the powers conferred by sub-section (2) of section 1 of the **Scheduled Areas (Assimilation of Laws) Act, 1953** (16 of 1953), the Central Government hereby appoints the 1st day of September 1953 as the date on which the said Act shall come into force.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 5th September 1953.

MINISTRY OF REHABILITATION

S. R. O. 1668.—New Delhi, the 26th August 1953—In exercise of the powers conferred by section 56 of the **Administration of Evacuee Property Act, 1950** (XXXI of 1950), the Central Government hereby directs that the following further amendment shall be made in the Administration of Evacuee Property (Central) Rules, 1950, namely :—

In the second proviso to sub rule (6) of rule 14 of the said Rules, after the words and figures 'under section 26' the words and figures 'or section 27' shall be inserted.

Published in *Gazette of India*, Pt. II-Sec. 3, dated 5th September, 1953.

CENTRAL BOARD OF REVENUE

S. R. O. 1658.—New Delhi, the 27th August 1953—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue hereby directs that the following further amendments shall be made in the **Indian Income-tax Rules, 1922**, the same having been previously published as required by sub-section (4) of the said Section, namely :—

In the form of Notice prescribed by rule 20 of the said Rules, the following amendments shall be made, namely :—

(a) in line 1 of paragraph 1 for the words "take notice" the words "This is to give you notice" and for the words "the sum" the words "a sum" shall be substituted ;

(b) in lines 4 and 5 of paragraph 2 the words "you are hereby informed that" shall be deleted ;

(c) in line 1 of paragraph 3 for the words "You are required to pay the amount", the words "The amount is payable" shall be substituted ; and

in line 2 after the word "when" the words "if paid" shall be inserted ;

(d) for paragraph 5 the following paragraph shall be substituted, namely :—

"5. Unless the total amount due, including the penalty, is paid on or before 19 , you will be liable to a further penalty (and a warrant of distress may be issued for the recovery of the whole amount due with cost)".

Published in the *Gazette of India*, Pt. II-See 3, dated 12th September 1953.

MINISTRY OF HOME AFFAIRS

S. R. O. 1660.—New Delhi, the 2nd September 1953—In exercise of the powers conferred by section 17 of the **Indian Arms Act, 1878** (XI of 1878), the Central Government hereby directs that the following further amendment shall be made in the Indian Arms Rules, 1951, namely :—

In condition 6 of Form XVII in Schedule VIII to the said Rules, the words and letters "if such place is situated in a Part A State or a Part C State" shall be omitted.

Published in the *Gazette of India*, Pt. II-See. 3, dated 26th September 1953.

MINISTRY OF HOME AFFAIRS

S. R. O. 1740.—New Delhi, the 22nd September 1953—In exercise of the powers conferred by sub-section (1) of section 549 of the **Code of Criminal Procedure, 1898** (Act V of 1898), the Central Government hereby directs that the following amendments shall be made in the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1952, published in the notification of the Government of India in the Ministry of Home Affairs No. S. R. O. 709, dated the 17th April 1952, namely :—

In the said Rules—

(1) in clause (ii) of rule 2, for the word and figures "section 69" the word and figures "section 70" shall be substituted;

(2) in rule 3 the words "or to issue orders for his case to be referred to a Bench" shall be omitted ;

(3) after clause (c) of Rule 4, the following clause shall be inserted, namely :—

"(d) transfer the case for inquiry or trial under Section 192 of the said Code.";

(4) in rules 5 and 6, for the word "issued" the word "made" shall be substituted ;

(5) for rule 7, the following rule shall be substituted namely :—

"7. (1) When an accused person has been delivered by the Magistrate under rules 5 and 6, the Commanding Officer of the accused or the competent military, naval or air force authority, as the case may be, shall, as soon as may be, inform the Magistrate whether the accused has been tried by a Court-Martial or other effectual proceedings have been taken or ordered to be taken against him.

(2) When the Magistrate has been informed under sub-rule (1) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him the Magistrate shall report the circumstances to the State Government, which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.”; and

(6) in rule 8, for the word “unless” the word “except” shall be substituted.

MINISTRY OF COMMUNICATIONS

S. R. O. 1781.—New Delhi, the 21st September 1953—In exercise of the powers conferred by rule 53 of the **Indian Aircraft Rules, 1920**, the Central Government hereby declares the aerodrome at Amritsar to be a customs aerodrome, and appoints (1) the Collector of Central Excise, Delhi, to be the Chief Customs Officer, and (2) the Assistant Collector of Central Excise, Amritsar, to be the Customs Collector at the said customs aerodrome for the purposes of the said Rules

Published in *Gazette of India*, Extraordinary Pt II-Sec.3, dated Sept. 29, 1953.

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th September 1953

S. R. O. 1796.—In exercise of the powers conferred by clause (1) of article 239 of the **Constitution** and in partial modification of the notification of the Government of India in the late Home Department No. F. 126/37, dated the 1st April 1937, the President hereby revokes with effect from 1st October 1953 the delegations to the Chief Commissioners of Ajmer, Coorg and Delhi, of the functions of the Central Government under the provisions of the **Indian Companies Act, 1913** (VII of 1913) other than section 3.

S. R. O. 1797.—In exercise of the powers conferred by clause (1) of article 258 of the **Constitution** and in partial modification of notifications of the Government of India in the late Department of Commerce No. 88(13)-Tr. (C. L.) /37, dated the 26th March 1938, and Ministry of Finance No. S. R. O. 761, dated the 23rd May 1951, the President hereby revokes with effect from 1st October 1953 the entrustment to the Governments of Part A and Part B States of the functions of the Central Government under the provisions of the **Indian Companies Act, 1913** (VII of 1913) other than section 3.

S. R. O. 1798.—In exercise of the powers conferred by clause (1) of article 239 of the **Constitution** and in partial modification of the notification of the Government of India in the Ministry of States No. 104-J, dated the 24th August 1950, as amended, the President hereby revokes with effect from the 1st October 1953, the delegation to the Lt. Governors of Himachal Pradesh and Vindhya Pradesh and the Chief Commissioners of Bilaspur, Kutch, Bhopal, Tripura and Manipur of the functions of the Central Government under the provisions of the **Indian Companies Act, 1913** (VII of 1913) other than section 3.

Published in *Gazette of India* Extraordinary, Pt II Sec. 3, dated Oct. 1, 1953.

MINISTRY OF STATES

S. R. O. 1859.—New Delhi, the 1st October 1953—In pursuance of clause (1) of article 239 of the **Constitution**, the President hereby directs that the Chief Commissioner of Bhopal shall exercise the powers and discharge the functions of the State Government under the **Bhopal Abolition of Jagirs and Land Reforms Act, 1953**.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 3rd October 1953.

MINISTRY OF HOME AFFAIRS

S. R. O. 1809.—New Delhi, the 28th September 1953—In exercise of the powers conferred by Sections 17 and 27 of the **Indian Arms Act, 1878** (XI of 1878), the Central Government hereby directs that the following further amendments shall be made in the **Indian Arms Rules, 1951**, namely :—

In column 3 of the table set forth in Schedule I to the said Rules—

(a) in entry 2(c) and in entry 3(c), after the existing condition, the following condition shall be inserted, namely :—

“The exemption shall apply only to the arms and ammunition belonging to the Ruler and carried by such aide-de-camp or personal body-guards”;

(b) in entry 2(d), after condition (ii) the following condition shall be inserted, namely :—

“the exemption shall apply only to the arms and ammunition belonging to the Ruler and carried by such aide-de-camp or personal body-guards”.

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 3, dated Oct. 3, 1953.

MINISTRY OF FINANCE

S. R. O. 1863.—New Delhi, the 3rd October, 1953.—In exercise of the powers conferred by sub-section (2) of section 248 of the **Indian Companies Act, 1913** (VII of 1913) the Central Government hereby appoints with effect from the 3rd October, 1953—

(1) the Inspector-General of Registration of the State of Andhra as the Registrar of Joint Stock Companies for the said State ;

(2) every District Registrar of Assurances within the said State as the Assistant Registrar of Joint Stock Companies for the area to which his jurisdiction as such District Registrar extends.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 10th October, 1953.

MINISTRY OF HOME AFFAIRS

S. R. O. 1874.—New Delhi, the 3rd October 1953—In exercise of the powers conferred by section 17 of the **Indian Arms Act, 1878** (XI of 1878), the Central Government hereby directs that the following further amendment shall be made in the **Indian Arms Rules, 1951**, namely:—

In the said Rules—

After rule 41 the following rule shall be inserted, namely :—

“41-A. *Appeal against the orders of an authority cancelling or suspending a licence under clause (a) of section 18 of the Act.*—(1) Where a licence has been cancelled or suspended under clause (a) of section 18 of the Act, the person aggrieved by the order of cancellation or suspension may, within thirty days of the date of the passing of the said order, prefer an appeal against it.

(2) The appeal shall lie to the immediate official superior of the subordinate authority who has issued the order of cancellation or suspension of a licence and his decision shall be final :

Provided however, that if such official superior had already been consulted in respect of the said order of cancellation or suspension, the appeal shall be forwarded to the next higher authority for decision.

(3) In no case shall an appeal be entertained against an order passed by the State Government in a Part A State or a Part B State or by the Lieutenant-Governor or by the Chief Commissioner in a Part C State, as the case may be.”

PART II

INDIAN PARLIAMENT ACTS

The Indian Tariff (Fourth Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 2nd December 1952 and was published in the *Gazette of India*, Extraordinary, Part-II, Section 1, dated the 3rd December 1952.

Act No. LXVI of 1952

[2nd December, 1952.]

An Act further to amend the Indian Tariff Act, 1934.

Be it enacted by Parliament as follows :—

1. Short title and commencement.—(1) This Act may be called the Indian Tariff (Fourth Amendment) Act, 1952.

(2) The provisions of clause (iii) of section 2 [relating to Item No. 63 (34)] shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint; but the remaining provisions shall come into force at once.

2. Amendment of the First Schedule, Act XXXII of 1934.—In the First Schedule to the Indian Tariff Act, 1934,—

(i) in Items Nos. 8(3), 11(6), 18, 20(3), 20(4), 20(8), 20(9), 21(3), 28(4), 28(15), 28(17), 28(20), 30(7), 30(9), 30(10), 40(4), 40(5), 45(4), 46, 46(1), 47, 47(1), 48, 48(1), 48(4), 48(5), 48(7), 50(3), 60(7), 63(33) (a), 63(35), 64, 64(3), 64(4), 65(a), 66(a), 66(1), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(2), 70(3), 70(4), 70(5), 70(6), 70(9), 71(7), 72(12), 72(33), 73(7), 73(16), 75(5), 75(6), 75(7), 75(8) and 82(3), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1952", wherever they occur, the word, figures and letters "December 31st, 1953" shall be substituted ;

(ii) in Item No. 28(18) (b), (c) and (d), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1952", wherever they occur, the word, figures and letters "December 31st, 1954" shall be substituted ;

(iii) for Item No. 63(34), the following Item shall be substituted, namely :—

"63(34) Iron or steel hoops—			
(a) Jute baling hoops—			
(i) of British manufacture.	Protective	30 per cent. <i>ad valorem</i> .	December 31st, 1953
(ii) not of British manufacture.	Protective	40 per cent. <i>ad valorem</i> .	December 31st, 1953
(b) Cotton baling hoops—			
(i) of British manufacture.	Protective	30 per cent. <i>ad valorem</i> .	December 31st, 1953
(ii) not of British manufacture	Protective	40 per cent. <i>ad valorem</i> .	December 31st, 1953

(iv) in Item No. 72(34), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1953", the word, figures and letters "December 31st, 1953" shall be substituted ;

(v) in Item No. 73(15), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1952", wherever they occur, the word, figures and letters "December 31st, 1955" shall be substituted.

Notes

Object.—"The object of the present Act is to amend the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934) in order to continue protection to certain industries on the advice of the Tariff Commis ..

2. The industries which will continue to be protected are :—				
S. No.	Item No. of Tariff			Name of the industry
1	8(3), 20(3), 20(4), 20(8) and 20(9)			Preserved fruits.
2	11(6)	...	...	Sago globules and tapioca pearls.
3	18	...	...	Cocoa powder and chocolate.
4	21(3)	...	...	Glucose.
5	28(4)	...	...	Soda ash.
6	28(15)	...	...	Calcium chloride.
7	28(17)	...	...	Bichromates.
8	28(18) (b), (c) & (d)	...	...	Photographic chemicals (sodium sulphite, sodium bisulphite and sodium thiosulphate).
9	28(20)	...	...	Oleic and stearic acids.
10	30(7) and 45(4)	...	...	Pencils.
11	30(9) and 30(10)	...	...	Coated abrasives.
12	40(4) and 40(5)	...	...	Plywood and battens for tea chests.
13	46, 46(1), 47, 47(1) and 48	...	...	Sericulture.
14	48(1), 48(4), 48(5) and 48(7)	...	...	Artificial silk and cotton and artificial silk mixed fabrics.
15	50(3)	...	...	Cotton and hair belting.
16	60(7)	...	...	Sheet glass.
17	63(33) (a)	...	...	Iron or steel wood screws.
18	63(34)	...	...	Iron or steel baling hoops.
19	63(35)	...	...	Ferro-silicon.
20	64, 64(3), 64(4), 65(a), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(4), 70(5), 70(6), 70(9) and 72(1)	...	...	Non-ferrous metals.
21	66(a) and 66(1)	...	...	Aluminium.
22	70(2) and 70(3)	...	...	Antimony.
23	71(7)	...	...	Hurricane lanterns.
24	72(33)	...	...	Pickers used in textile industries.
25	72(34)	...	...	Cotton textile machinery.
26	73(7)	...	...	Dry batteries.
27	73(15)	...	...	Battery for motor vehicle.
28	73(1) and 82(3)	...	...	Plastics— (i) Electrical accessories made of plastics, and (ii) Phenol-formaldehyde moulding powder.
29	75(5), 75(6), 75(7) and 75(8)	...	...	Bicycles (including parts and accessories thereof).

[Vide Statement of Objects and Reasons printed in the *Gazette of India*, Part II-Sec. 2, dated the 15th November 1952, pages 514-15.]

The Sugar (Temporary Additional Excise Duty) Act, 1952.

The following Act of Parliament received the assent of the President on the 12th December, 1952, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 12th December 1952.

Act No. LXVII of 1952

[12th December, 1952.]

An Act to provide for the levy and collection for a temporary period of an additional duty of excise on sugar.

Be it enacted by Parliament as follows :—

1. **Short title and extent.**—(1) This Act may be called the Sugar (Temporary Additional Excise Duty) Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Notes

Object.—“The minimum price to be paid by vacuum-pan sugar factories for sugar-cane delivered at their gate during the 1952-53 season has been fixed by the Central Government at Rs. 1-5-0 per maund as against Rs. 1-12-0 per maund in 1951-52. With this substantial reduction in the price of sugar-cane, the internal consumer would naturally expect a reduction in the price of sugar also. It will not, however, be possible to release for consumption the sugar produced from the 1952-53 low price cane until the controlled sugar of 1951-52 season produced from high price cane, has been nearly exhausted. The reason is that Government have guaranteed controlled prices for the 1951-52 sugar varying from Rs. 29-12-0 per maund to Rs. 34-14-0 per maund in different regions.

2. The carry-over of the 1951-52 stocks of controlled sugar with factories on the 30th November 1952 is estimated at about 4 lakhs tons, and will last for nearly 4 months more, i.e., up to the end of March, 1953.

3. With a view, however, to giving speedy relief to the consumer, and facilitating transition from high-priced to low-priced sugar, the ex-factory price of 1951-52 sugar will be reduced when the new sugar generally becomes available for consumption. For the time being, however, the loss incurred by these reductions in prices on the 1951-52 sugar, which is estimated at Rs. 4.3 crores, is proposed to be recovered from the consumer by the levy of an additional excise duty of Rs. 1-6-0 per cwt. (i.e., Re. 1 per maund) on all sugar of the 1952-53 season in stock with factories on the 6th November, 1952, or produced on or after that date. If the proposed levy is not imposed, the price of 1952-53 sugar would be about Rs. 6 to Rs. 7 per maund lower than the controlled rate of 1951-52. With the additional levy, this benefit to the consumer would be reduced by Re. 1 per maund. On the other hand, it would enable the issue price of the entire carry-over of the 1951-52 controlled sugar to be reduced, as quickly as possible, by Rs. 4 per maund on the average.

4. The present Act gives effect to these proposals and also contains a provision whereby the additional duty may be discontinued in any case where the object of this Act has been achieved.” [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part II-Section 2, dated the 8th November, 1952, pages 441-42.]

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the 6th day of November, 1952 ;

(b) “sugar” means any form of sugar containing more than ninety per cent. of sucrose, but does not include —

(i) *khandsari* sugar, that is to say, sugar in the manufacture of which neither a vacuum pan nor a vacuum evaporator is employed, and

(ii) *palmyra* sugar, that is to say, sugar manufactured from jaggery obtained by boiling the juice of *palmyra* palm ;

(c) “finished sugar” means sugar fully manufactured and ready for marketing.

3. **Levy and collection of additional duty of excise on certain forms of sugar.**—(1) There shall be levied and collected in respect of all sugar manufactured on or after the appointed day in the territories to which

this Act extends, and on all sugar lying in stock on the appointed day in any factory where sugar is manufactured or in any premises appurtenant thereto, a duty of excise at the rate of one rupee and six annas per cwt.:

Provided that no such duty shall be levied in respect of that quantity of finished sugar, if any, lying in stock in any such factory or premises on the appointed day which is in excess of the quantity of finished sugar manufactured in the factory before the appointed day from the sugar-cane crop commonly known as the 1952-53 sugar-cane crop.

(2) The duty of excise specified in sub-section (1) shall be in addition to the duty of excise chargeable on sugar under the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944), and shall be levied and collected in the same manner as the duty of excise on sugar is levied and collected under that Act.

4 *Power of Central Government to discontinue levy.*—The Central Government may, by notification in the Official Gazette, declare that, with effect from such date as may be specified in the notification, the additional duty of excise leviable under this Act shall, for the reasons specified in the notification, cease to be levied in any specified area or on sugar generally or on sugar manufactured in a specified factory.

The Indian Oilseeds Committee (Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 13th December 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 15th December 1952.

Act No. LXVIII of 1952.

[13th December, 1952]

An Act further to amend the Indian Oilseeds Committee Act, 1946.

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Indian Oilseeds Committee (Amendment) Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Notes

Object.—“Under section 2 of the Indian Oilseeds Committee Act, 1946, “mill” is defined as a place in which oilseeds are crushed with the aid of power, which is a factory as defined in section 2 of the Factories Act, 1934

The Factories Act, 1934, has been replaced by the Factories Act of 1948, and for the purpose of avoiding any ambiguity in the definition and also for the purpose of bringing within the ambit of this definition all factories in which oilseeds are crushed with the aid of power irrespective of the number of persons employed, the definition of “mill” is sought to be amended by clause 2.

2. Section 4 of the Act has to be amended in view of certain changes which are taking place in the designation of some of the official members of the Committee and also owing to the reorganisation of the Ministries of the Government of India. Opportunity is also being taken to put Part B States on a par with Part A States in the matter of representation on the Committee. The representation given to growers is being changed so as to base all such representation on acreage and production statistics as well as the number of mills in the various States. Incidentally, clause (a) is being restored to its original form so as to provide for separate representation on the Committee of members of the two Houses of Parliament.

3. Under section 7(1) of the Act, the Vice-President of the Indian Council of Agricultural Research shall be the President of the Committee. It is felt that the Central Government should have the power to appoint the President whether from among the members of the Committee or from persons outside. This sub-section is being amended accordingly." [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Extraordinary, Part II-Section 2, dated the 31st October 1952, page 51.]

2. *Amendment of section 2, Act IX of 1946.*—For clause (f) of section 2 of the Indian Oilseeds Committee Act, 1946 (hereinafter referred to as the principal Act), the following clause shall be substituted, namely :—

'(f) "mill" means any premises in which or in any part of which oilseeds are crushed or are ordinarily crushed with the aid of power ;

Explanation.—"Power" means electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency ;

3. *Amendment of section 4, Act IX of 1946.*—In section 4 of the principal Act,—

(i) for clauses (a) to (g) inclusive, the following clauses shall be substituted, namely :—

"(a) the Vice-President, Indian Council of Agricultural Research ;

(b) the Agricultural Commissioner with the Government of India ;

(c) the Agricultural Marketing Adviser with the Government of India ;

(d) two persons representing, respectively, the Ministry of Commerce and Industry and the Ministry of Food and Agriculture of the Central Government, to be appointed by the Central Government ;

(e) twelve persons representing the Governments of Bihar, Bombay, Madhya Pradesh, Madras, Punjab, Uttar Pradesh, West Bengal, Hyderabad, Madhya Bharat, Mysore, Rajasthan and Saurashtra, one each to be nominated by the State Government concerned ;

(f) twenty-one persons being growers' who shall be nominated after consulting the approved growers' associations in the State, as follows :—

(i) four by the Government of Madras,

(ii) three each by the Governments of Bombay and Uttar Pradesh,

(iii) two each by the Governments of Madhya Pradesh and Hyderabad ;

(iv) one each by the Governments of Bihar, Punjab, West Bengal, Madhya Bharat, Mysore, Rajasthan and Saurashtra :

Provided that where there are for the time being no approved growers' associations concerned, the Government shall, before making any nomination under this clause, consult the associations of growers, or associations the majority of whose members are growers, if any, in the State concerned ;

(ii) in clause (i), for the word "Cawnpore" the word "Kanpur" shall be substituted ;

(iii) in clause (m), for the letters, word and brackets "(n), (o) and (p)" the letters, word and brackets "(n) and (o)" shall be substituted ;

(iv) clause (p) shall be omitted ;

(v) in clause (r), for the letters, word and brackets "(m), (n), (o) and (p)," the letters, word and brackets "(m), (n) and (o)" shall be substituted ;

(vi) for clause (s), the following clause shall be substituted, namely :—

"(s) six persons representing consumers of oilseed products, of whom four shall be elected from among themselves by the members of the House

of the People and two from among themselves by the members of the Council of States ;”.

4. *Amendment of section 7, Act IX of 1946.*—For sub-section (1) of section 7 of the principal Act, the following sub-section shall be substituted, namely :—

“(1) The Central Government may appoint any of the persons referred to in section 4 or any other person to be the President of the Committee, and if any other person is so appointed that other person shall be deemed to be a member of the Committee for all the purposes of this Act.”

• The Indian Coconut Committee (Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 13th December, 1952, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 15th December 1952.

Act No. LXIX of 1952.

[13th December, 1952]

An Act further to amend the Indian Coconut Committee Act, 1944.

Be it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Indian Coconut Committee (Amendment) Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Notes.

Object.—“Under the Indian Coconut Committee Act, 1944, the word “mill” is defined to be a place in which copra is crushed for the extraction of oil, which is a factory as defined in section 2 of the Factories Act, 1934 and, having regard to the definition of “factory”, no cess is leviable on the extraction of oil by a mill if the number of hands employed is less than ten. This enables certain employers to evade the cess by employing one or two hands less than the statutory limit. In order to obviate the possibility of loss of cess on this account, the definition of “mill” is being amended so as to include all mills where extraction of oil is done with the aid of power irrespective of the number of hands employed. Clause 2 contains the necessary amendment in this behalf.

2. Clause 3 seeks to give effect to certain changes in the representation of persons on the Committee based on insistent demand in this behalf from certain State Governments. Opportunity is also taken to amend clause (g) of the section providing separately for the representation on the Committee of members of the two Houses of Parliament on the lines of clause (g) of this section as it was originally enacted. At present, this clause provides that three persons shall be elected from among themselves by the members of Parliament collectively.

3. Under section 7 (1) of the Act, the Vice-President of the Indian Council of Agricultural Research shall be the President of the Committee and this prevents the Central Government from nominating any other person to be the President of the Committee. Section 7 (1) is therefore being amended to empower the Central Government to nominate any person whether a member of the Committee or otherwise to be the President of the Committee.

4. Clause 5 of the Bill seeks to enlarge the scope of section 9 of the Act in order to include within the objects for which the Fund may be applied a few other matters.

5. Lastly, for the purpose of ensuring that full information exists

with respect to all mills employed in the extraction of oil, a new section is being added making it obligatory upon the owner of mills to furnish to the Collector the prescribed information." [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Extraordinary, Part II-Section 2, dated the 31st October 1952, pages 55-56.]

2. *Amendment of section 2, Act X of 1944.*—For clause (c) of section 2 of the Indian Coconut Committee Act, 1944 (hereinafter referred to as the principal Act), the following clause shall be substituted, namely :—

“(c) “mill” means any premises in which or in any part of which copra is crushed or is ordinarily crushed with the aid of power for the extraction of oil ;

Explanation.—“Power” means electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency ;”.

3. *Amendment of section 4, Act X of 1944.*—In section 4 of the principal Act,—

(i) for clause (a), the following clauses shall be substituted, namely :—

(a) the Vice-President, Indian Council of Agricultural Research ;

(aa) the Agricultural Marketing Adviser with the Government of India ;”;

(ii) for clause (d) the following clause shall be substituted, namely :—

“(d) four persons representing, respectively, the Governments of Assam, Madras, Mysore and Travancore-Cochin, appointed in each case by the State Government concerned ;”;

(iii) for clause (g) the following clause shall be substituted, namely :—

“(g) six other persons, of whom two shall be elected from among themselves by the members of the House of the People, one shall be elected from among themselves by the members of the Council of States, one shall be nominated by the Government of the State of Mysore and two shall be nominated by the Government of the State of Travancore-Cochin.”

4. *Amendment of section 7, Act X of 1944.*—For sub-section (1) of section 7 of the principal Act, the following sub-section shall be substituted, namely :—

“(1) The Central Government may appoint any of the persons referred to in section 4 or any other person to be the President of the Committee, and if any other person is so appointed that other person shall be deemed to be a member of the Committee for all the purposes of this Act.”

5. *Amendment of section 9, Act X of 1944.*—In section 9 of the principal Act,—

(i) in sub-section (1), for the words “and coconut poonac” the words and brackets “coconut poonac and such other coconut products (excepting coir and its products) as the Committee may determine.” shall be substituted ;

(ii) for clause (b) of sub-section (2), the following clause shall be substituted, namely :—

“(b) the supply of technical advice to growers of coconut, and to persons engaged in any coconut industry ;”.

6. *Insertion of new section 9A in Act X of 1944.*—After section 9 of the principal Act, the following section shall be inserted, namely :—

“9A. *Owners of mills to supply certain particulars to Collector.*—(1) The

owner of every mill shall—

(a) if the mill was established before the commencement of the Indian Coconut Committee (Amendment) Act, 1952, within fourteen days of such commencement ; and

(b) if the mill is established after the commencement of the Indian Coconut Committee (Amendment) Act, 1952, within fourteen days of such establishment ;

furnish to the Collector a statement containing the following particulars, namely :—

(i) the name and situation of the mill ;
 (ii) the name and address of the owner ;
 (iii) the address to which communications relating to the mill may be sent ; and

(iv) the total capacity of the mill to crush copra.

(2) Whoever fails to comply with the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

The Indian Patents and Designs (Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 18th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 18th December 1952.

Act No. LXX of 1952.

[18th December, 1952]

An Act further to amend the Indian Patents and Designs Act, 1911.

BE it enacted by Parliament as follows :—

1. *Short title.*— This Act may be called the Indian Patents and Designs (Amendment) Act, 1952.

Object—"The power of the Controller of Patents and Designs to grant working licences in respect of patents is at present unduly restricted. Such power can be exercised only under certain specified conditions. One such condition is that a period of three years must elapse from the sealing of a patent before a person may apply for a licence on that patent. This provision is an obstacle to the early establishment of factories for the production of food, medicines and surgical and curative devices. The Act removes this obstacle and empowers the Controller of Patents and Designs to grant working licences under patents in respect of articles of food, medicines and surgical and curative devices to interested persons at any time whilst the patent is in force. Similar powers have been taken in the United Kingdom under section 41 of the Patents Act, 1949." [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part II-Sec. 2, dated the 8th November 1952, page 438.]

2. *Insertion of new section 23CC in Act II of 1911.*— After section 23C of the Indian Patents and Designs Act, 1911 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"23CC. *Inventions relating to food or medicine, etc.*—(1) Without prejudice to the foregoing provisions of this Act, where a patent is in force in respect of—

(a) a substance capable of being used as food or medicine or in the production of food or medicine ; or

(b) a process for producing such a substance as aforesaid ; or

(c) any invention capable of being used as or as part of a surgical or curative device,

the Controller shall, on application made to him by any person interested, order the grant to the applicant of a licence under the patent on such terms as he thinks fit, unless it appears to him that there are good reasons for refusing the application.

(2) In settling the terms of licences under this section the Controller shall endeavour to secure that food, medicines, and surgical and curative devices shall be available to the public at the lowest prices consistent with the patentees' deriving a reasonable advantage from their patent rights.

(3) A licence granted under this section shall entitle the licensee to make, use, exercise and vend the invention as a food or medicine, or for the purposes of the production of food or medicine or as or as part of a surgical or curative device, but for no other purposes."

3. *Amendment of section 23D, Act II of 1911.*—In sub-section (1) of section 23D of the Principal Act, for the words, figures and letter 'or section 23A' the words, figures and letters 'section 23A or section 23CC' shall be substituted.

4. *Amendment of section 23E, Act II of 1911.*—In section 23E of the principal Act—

(a) in sub-section (1), for the words, figures and letter 'or section 23B', the words, figures and letters 'section 23B or section 23CC' shall be substituted;

(b) in sub-section (2), after the words, figures and letter 'or section 23B' the words, figures and letters 'or section 23CC' shall be inserted.

5. *Amendment of section 23F, Act II of 1911.*—In sub-section (1) of section 23F of the Principal Act, after the word, figures and letter 'section 23B' the words, figures and letters 'or under section 23CC' shall be inserted.

The Code of Civil Procedure (Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 18th December 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 19th December 1952.

Act No. LXXI of 1952

[18th December 1952]

An Act further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 44A, Act V of 1908.*—In section 44A of the Code of Civil Procedure, 1908,—

(a) in sub-section (1), the words "the United Kingdom or" shall be omitted;

(b) for *Explanations* 1 to 3 inclusive, the following *Explanations* shall be substituted, namely :—

"*Explanation* 1.—'Reciprocating territory' means any country or territory outside India which the Central Government may, by notification in the Official Gazette, declare to be a reciprocating territory for the purposes of this section; and 'Superior Courts' with reference to any such territory means such courts as may be specified in the said notification.

Explanation 2.—'Decree' with reference to a superior court means any decree or judgment of such court under which a sum of money is

payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, but shall in no case include an arbitration award, even if such an award is enforceable as a decree or judgment."

The Mysore High Court (Extension of Jurisdiction to Coorg) Act, 1952.

The following Act of Parliament received the assent of the President on the 18th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 19th December 1952.

Act No LXXII of 1952.

[18th December, 1952]

An Act to extend the jurisdiction of the High Court of Mysore to the State of Coorg and to provide for matters connected therewith.

Enacted by Parliament as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Mysore High Court (Extension of Jurisdiction to Coorg) Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Object.—"Prior to 1948, the judicial needs of the Province of Coorg were served by the Court of the Judicial Commissioner, Coorg. In 1948, by the Madras High Court (Extension of Jurisdiction to Coorg) Order, 1948, the Court of the Judicial Commissioner of Coorg was abolished and the jurisdiction of the High Court at Madras was extended to Coorg. The arrangement is not convenient to the Coorg litigant public, Bangalore being much nearer to Coorg than Madras and the official language of Coorg being the same as that of Mysore. In December 1951, the late Coorg Legislative Council passed by a majority a resolution recommending that the High Court of Mysore should be constituted as the High Court of Coorg. The proposal was accepted by the Government of Mysore and it has since received the support of the Council of Ministers of Coorg. The present Act gives effect to the proposal." [Vide Statement of Objects and Reasons printed in the *Gazette of India*, Part II-Section 2, dated the 8th November 1952, page 440.]

2. *Definitions.*—In this Act,—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act ;

(b) "Coorg Order" means the Madras High Court (Extension of Jurisdiction to Coorg) Order, 1948, made by the Governor General on the 28th day of February, 1948 ;

(c) "proceeding in relation to Coorg" means any appeal or other proceeding from, or in respect of, any judgment, decree or order of any court or tribunal within the State of Coorg.

3 *Extension of jurisdiction of Mysore High Court to, and exclusion of the jurisdiction of Madras High Court from, Coorg*—Save as otherwise expressly provided in any other enactment, as from the appointed day,—

(a) the jurisdiction of the High Court of Mysore shall extend to the whole of the State of Coorg ; and

(b) the jurisdiction of the High Court at Madras to entertain, or dispose of, any proceeding in relation to Coorg, whether such jurisdiction is exercisable by virtue of the Coorg Order or of any enactment specified in the Schedule, shall cease.

4. *Transfer of pending proceedings to Mysore High Court*—Save as otherwise expressly provided in any other enactment, all proceedings in

relation to Coorg pending in the High Court at Madras immediately before the appointed day shall by virtue of this Act stand transferred to the High Court of Mysore and shall be disposed of by it in exercise of the jurisdiction conferred on it by this Act.

5. *Effect of orders of Madras High Court.*—Any judgment, decree or order in any proceeding in relation to Coorg made before the appointed day by the High Court at Madras shall for all purposes have effect, not only as a judgment, decree or order of that court, but also as if it were a judgment, decree or order made by the High Court of Mysore in the exercise of the jurisdiction conferred on it by this Act.

6. *Amendment of certain enactments.*—The enactments specified in the Schedule shall be amended in the manner specified therein.

7. *Coorg Order to cease to have effect.*—As from the appointed day, the Coorg Order shall cease to have effect.

THE SCHEDULE

(See Section 6)

1. The Indian Divorce Act, 1869 (IV of 1869)...	In sub-clause (e) of clause (1) of section 3, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.
2. The Indian Stamp Act, 1899 (II of 1899)...	In clause (e) of sub-section (1) of section 57, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.
3. The Indian Patents and Designs Act, 1911 (17 of 1911) ...	In sub-clause (e) of clause (7) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.
4. The Official Trustees Act, 1913 (II of 1913)...	In sub-clause (e) of clause (2) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.
5. The Administrator General's Act, 1913 (III of 1913)...	In sub-clause (e) of clause (12) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.

The Indian Power Alcohol (Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 28th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 29th December, 1952.

Act No. LXXIII of 1952.

[26th December, 1952]

An Act to amend the Indian Power Alcohol Act, 1948.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Power Alcohol (Amendment) Act, 1952.

2. *Amendment of section 1, Act XXII of 1948.*—In sub-section (2) of section 1 of the Indian Power Alcohol Act, 1948 (hereinafter referred to as the principal Act), for the words and letter "except Part B States", the words "except the State of Jammu and Kashmir" shall be substituted.

3. *Substitution of new section for section 2 in Act XXII of 1948.*—For section 2 of the principal Act, the following section shall be substituted, namely :—

"2. *Declaration as to expediency of control by the Union.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the power alcohol industry."

4. *Validation of certain acts and indemnity in respect thereof.*—All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to, or on account of, power alcohol during the period commencing on the 26th day of January, 1950, and ending with the commencement of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), by the Government or by any officer of the Government or by any other authority in the belief or purported belief that the Acts, proceedings or sentences were being done, taken or passed under the Indian Power Alcohol Act, 1948, shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any authority whatsoever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

The Forward Contracts (Regulation) Act, 1952.

The following Act of Parliament received the assent of the President on the 26th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 29th December, 1952.

Act No. LXXIV of 1952.

[26th December, 1952]

An Act to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Forward Contracts (Regulation) Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Chapter I shall come into force at once, and the remaining provisions shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act, for different States or areas, and for different goods or classes of goods.

Notes

Object—“Forward trading, which normally plays a useful part in tempering price fluctuations, tends in certain situations to exaggerate such fluctuations to the detriment of the interests of producers as well as consumers. During the war and immediately thereafter, the Central Government issued orders under Rule 81 of the Defence of India Rules, prohibiting forward trading in commodities, such as foodgrains, oil-seeds, oil-cakes, vegetable oils, raw cotton, spices, sugar and bullion. After the Defence of India Act lapsed, orders in respect of foodgrains, edible oil-seeds and oils, raw cotton and spices were kept in force under the Essential Supplies (Temporary Powers) Act, 1946, and similar orders about cotton-seed and sugar were also issued later under this Act. It was only in the case of raw cotton that a general exemption was granted with respect to forward trading conducted under the auspices of the East India Cotton Association, Bombay.

Among the States, Bombay is the only one which has adopted a comprehensive scheme for the regulation of forward trading under the Bombay Forward Contracts Control Act. That Act has been brought into force mainly to control forward trading in cotton, bullion and oil-seeds.

Under the Constitution, the subject of "stock exchanges and futures markets" is included in the Union list. Consequently, the State Legislatures are no longer competent to enact any fresh legislation with regard to forward markets, and unless Central legislation on this subject is enacted, the resulting lacuna may prevent desirable action being taken, when needed. When the Central Act comes into force, the existing State Acts will cease to operate to the extent to which they are inconsistent with the Central Act.

In February, 1950, a draft Bill on this subject was circulated to the State Governments, the Reserve Bank of India, Chambers of Commerce and various other interests concerned. In July, 1950, the draft Bill was referred to an Expert Committee under the Chairmanship of Shri A. D. Shroff and was revised in the light of the Committee's recommendations. The Government of India also accepted in principle the Committee's recommendations in regard to the practical operation of this measure, though their application to individual cases would have to be decided in the light of experience and the circumstances of each case.

A Bill was introduced in the Provisional Parliament on 19th December, 1950, and was referred by it to a Select Committee on 24th April, 1951. The Select Committee's Report, which was submitted on 20th August, 1951, could not be considered by the Provisional Parliament before it was prorogued and the Bill lapsed. This Bill is now introduced is largely in the form recommended by the Select Committee, but certain alterations have been made therein as a result of further consideration.

The Bill provides for the regulation of forward trading and the prohibition of options in goods. Transactions on Stock Exchanges have been excluded, since the problem of regulating Stock Exchanges have some special features of its own and can best be treated separately. It is proposed to prohibit options altogether, since they are considered to be an undesirable form of speculation.

The regulatory provisions of this Act will be extended by notification to different classes of goods and to different areas as and when necessary. The main principle underlying these provisions is that forward contracts should be allowed to be entered into only in accordance with the rules and bye-laws of a recognised association. The rules and bye-laws will be subject to the approval of the Central Government who will also have the power to make such rules and bye-laws. Provision has been made for the appointment by the Central Government of one person as its own representative and not more than three persons to represent interests not directly represented through the membership of the association, as members of the governing body of a recognised association. The Central Government will also have the powers to order an inquiry into the affairs of a recognised association or those of any of its members, and to direct the Forward Markets Commission to inspect the accounts and other documents of the Association. In emergencies, the Central Government may have to suspend the business of a recognised association, and in certain extreme cases, to supersede the governing body of a recognised association for a period not exceeding six months, or even to withdraw recognition. It has been provided that the provisions of this Act will apply to non-transferable specific delivery contracts only in certain areas to be notified by the Central Government.

In order to assist the Central Government in the administration of the Act, it is considered desirable that a commission, to be called "The Forward Markets Commission" should be established. Provision has also been

made for the establishment of an Advisory Committee to advise the Central Government on any matter concerning the operation of the Act." [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part II-Section 2, dated the 9th August, 1952, pages 347-349.]

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(a) "association" means any body of individuals, whether incorporated or not, constituted for the purpose of regulating and controlling the business of the sale or purchase of any goods ;

(b) "Commission" means the Forward Markets Commission established under section 3 ;

(c) "forward contract" means a contract for the delivery of goods at a future date and which is not a ready delivery contract ;

(d) "goods" means every kind of movable property other than actionable claims, money and securities ;

(e) "Government security" means a Government security as defined in the Public Debt Act, 1944 (XVIII of 1944) ;

(f) "non-transferable specific delivery contract" means a specific delivery contract, the rights or liabilities under which or under any delivery order, railway receipt, bill of lading, warehouse receipt or any other document of title relating thereto are not transferable ;

(g) "option in goods" means an agreement, by whatever name called, for the purchase or sale of a right to buy or sell, or a right to buy and sell, goods in future, and includes a *teji*, a *mandi*, a *teji-mandi*, a *galli*, a put, a call or a put and call in goods ;

(h) "prescribed" means prescribed by rules made under this Act ;

(i) "ready delivery contract" means a contract which provides for the delivery of goods and the payment of a price therefor, either immediately or within such period not exceeding eleven days after the date of the contract and subject to such conditions as the Central Government may, by notification in the Official Gazette, specify in respect of any goods, the period under such contract not being capable of extension by the mutual consent of the parties thereto or otherwise ;

(j) "recognised association" means an association which is for the time being recognised by the Central Government under section 6 ;

(k) "rules", with reference to the rules relating in general to the constitution and management of an association, includes in the case of an incorporated association its memorandum and articles of association ;

(l) "securities" includes shares, scrips, stocks, bonds, debentures, debenture-stocks, or other marketable securities of a like nature in or of any incorporated company or other body corporate and also Government securities ;

(m) "specific delivery contract" means a forward contract which provides for the actual delivery of specific qualities or types of goods during a specified future period at a price fixed thereby or to be fixed in the manner thereby agreed and in which the names of both the buyer and the seller are mentioned ;

(n) "transferable specific delivery contract" means a specific delivery contract which is not a non-transferable specific delivery contract.

CHAPTER II

THE FORWARD MARKETS COMMISSION

3. *Establishment and constitution of the Forward Markets Commission*.—(1) The Central Government may, by notification in the Official Gazette, establish a Commission to be called the Forward Markets Commission for the purpose of exercising such functions and discharging such

duties as may be assigned to the Commission by or under this Act.

(2) The Commission shall consist of not less than two, but not exceeding three, members appointed by the Central Government of whom the Chairman (to be appointed by the Central Government) shall be a full-time member and the other member or members shall be full-time or part-time as the Central Government may direct :

Provided that one of the members to be so appointed shall be a person having knowledge of forward markets in India.

(3) No person shall be qualified for appointment as, or for continuing to be, a member of the Commission if he has, directly or indirectly, any such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission, and every member shall, whenever required by the Central Government so to do, furnish to it such information as it may require for the purpose of securing compliance with the provisions of this sub-section.

(4) No member of the Commission shall hold office for a period of more than three years from the date of his appointment, and a member relinquishing his office on the expiry of his term shall be eligible for re-appointment.

(5) The other terms and conditions of service of members of the Commission shall be such as may be prescribed.

4. *Functions of the Commission.*—The functions of the Commission shall be—

(a) to advise the Central Government in respect of the recognition of, or the withdrawal of recognition from, any association or in respect of any other matter arising out of the administration of this Act;

(b) to keep forward markets under observation and to draw the attention of the Central Government or of any other prescribed authority to any development taking place in, or in relation to, such markets which, in the opinion of the Commission, is of sufficient importance to deserve the attention of the Central Government and to make recommendations thereon ;

(c) to collect and whenever the Commission thinks it necessary publish information regarding the trading conditions in respect of goods to which any of the provisions of this Act is made applicable, including information regarding supply, demand and prices, and to submit to the Central Government periodical reports on the operation of this Act and on the working of forward markets relating to such goods ;

(d) to make recommendations generally with a view to improving the organisation and working of forward markets ;

(e) to undertake the inspection of the accounts and other documents of any recognised association whenever it considers it necessary ; and

(f) to perform such other duties and exercise such other powers as may be assigned to the Commission by or under this Act, or as may be prescribed.

CHAPTER III

RECOGNISED ASSOCIATIONS

5. *Application for recognition of associations.*—(1) Any association concerned with the regulation and control of forward contracts which is desirous of being recognised for the purposes of this Act may make an application in the prescribed manner to the Central Government.

(2) Every application made under sub-section (1) shall contain such particulars as may be prescribed and shall be accompanied by a copy of the bye-laws for the regulation and control of forward contracts and also

a copy of the rules relating in general to the constitution of the association, and, in particular, to—

(a) the governing body of such association, its constitution and powers of management and the manner in which its business is to be transacted ;

(b) the powers and duties of the office bearers of the association ;

(c) the admission into the association of various classes of members, the qualifications of members, and the exclusion, suspension, expulsion and readmission of members therefrom or thereinto ;

(b) the procedure for registration of partnerships as members of the association and the nomination and appointment of authorised representatives and clerks

6. *Grant of recognition to association.*—(1) If the Central Government, after making such inquiry as may be necessary in this behalf and after obtaining such further information, if any, as it may require, is satisfied that it would be in the interest of the trade and also in the public interest to grant recognition to the association which has made an application under section 5, it may grant recognition to the association in such form and subject to such conditions as may be prescribed or specified, and shall specify in such recognition the goods or classes of goods with respect to which forward contracts may be entered into between members of such association or through or with any such member.

(2) Before granting recognition under sub-section (1), the Central Government may, by order, direct,—

(a) that there shall be no limitation on the number of members of the association or that there shall be such limitation on the number of members as may be specified ;

(b) that the association shall provide for the appointment by the Central Government of a person, whether a member of the association or not, as its representative on, and of not more than three persons representing interests not directly represented through membership of the association as member or members of, the governing body of such association, and may require the association to incorporate in its rules any such direction and the conditions, if any accompanying it.

(3) No rules of a recognised association shall be amended except with the approval of the Central Government.

(4) Every grant of recognition under this section shall be published in the Gazette of India and also in the Official Gazette of the State in which the principal office of the recognised association is situate, and such recognition shall have effect as from the date of its publication in the Gazette of India.

7. *Withdrawal of recognition.*—If the Central Government is of opinion that any recognition granted to an association under the provisions of this Act should, in the interest of the trade or in the public interest, be withdrawn, the Central Government may, after giving a reasonable opportunity to the association to be heard in the matter, withdraw, by notification in the Official Gazette, the recognition granted to the said association ;

Provided that no such withdrawal shall affect the validity of any contract entered into or made before the date of the notification, and the Central Government may make such provision as it deems fit in the notification of withdrawal or in any subsequent notification similarly published for the due performance of any contracts outstanding on that date.

8. *Power of Central Government to call for periodical returns or direct*

inquiries to be made.—(1) Every recognised association shall furnish to the Central Government such periodical returns relating to its affairs or the affairs of its members as may be prescribed.

(2) Without prejudice to the provisions contained in sub-section (1), where the Central Government considers it expedient so to do, it may, by order in writing,—

(a) call upon a recognised association to furnish in writing such information or explanation relating to its affairs or the affairs of any of its members as the Central Government may require, or

(b) appoint one or more persons to make an inquiry in relation to the affairs of such association or the affairs of any of its members and submit a report of the result of such inquiry to the Central Government within such time as may be specified in the order or, in the alternative, direct the inquiry to be made, and the report to be submitted, by the governing body of such association acting jointly with one or more representatives of the Central Government : and

(c) direct the Commission to inspect the accounts and other documents of any recognised association or of any of its members and submit its report thereon to the Central Government.

(3) Where an inquiry in relation to the affairs of a recognised association or the affairs of any of its members has been undertaken under sub-section (2)—

(a) every director, manager, secretary or other officer of such association,

(b) every member of such association,

(c) if the member of the association is a firm, every partner, manager, secretary or other officer of the firm, and

(e) every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in clauses (a), (b) and (c), shall be bound to produce before the authority making the inquiry, all such books, accounts, correspondence and other documents in his custody or power relating to, or having a bearing on the subject-matter of, such inquiry and also to furnish the authority with any such statement or information relating thereto as may be required of him, within such time as may be specified.

9. *Furnishing of annual reports to the Central Government by recognised associations.*—(1) Every recognised association shall furnish to the Central Government a copy of its annual report.

(2) Such annual report shall contain such particulars as may be prescribed.

10. *Power of Central Government to direct rules to be made or to make rules.*—(1) Whenever the Central Government considers it expedient so to do, it may, by order in writing, direct any recognised association to make any rules or to amend any rules made by the recognised association within such period as it may specify in this behalf.

(2) If any recognised association, against whom an order is issued by the Central Government under sub-section (1), fails or neglects to comply with such order within the specified period, the Central Government may make the rules or amend the rules made by the recognised association, as the case may be, either in the form specified in the order or with such modification thereof as the Central Government may think fit.

(3) Where, in pursuance of sub-section (2), any rules have been made or amended, the rules so made or amended shall be published in the

Gazette of India and also in the Official Gazette of the State in which the principal office of the recognised association is situate, and on the publication thereof in the Gazette of India, the rules so made or amended, shall, notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), or any other law for the time being in force, have effect as if they had been made or amended by the recognised association concerned.

11. Power of recognised association to make bye-laws.—(1) Any recognised association may, subject to the previous approval of the Central Government, make bye-laws for the regulation and control of forward contracts.

(2) In particular, and without prejudice to the generality of the foregoing power, such bye-laws may provide for—

(a) the opening and closing of markets and the regulation of the hours of trade ;

(b) a clearing house for the periodical settlement of contracts and differences thereunder, the delivery of, and payment for, goods, the passing on of delivery orders and for the regulation and maintenance of such clearing house ;

(c) the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house ;

(d) fixing, altering or postponing days for settlement ;

(e) determining and declaring market rates, including opening, closing, highest and lowest rates for goods ;

(f) the terms, conditions and incidents of contracts including the prescription of margin requirements, if any, and conditions relating thereto, and the forms of contracts in writing ;

(g) regulating the entering into, making, performance, rescission and termination of contracts, including contracts between members or between a commission agent and his constituent, or between a broker and his constituent, or between a member of the recognised association and a person who is not a member, and the consequences of default or insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer and the responsibility of commission agents and brokers who are not parties to such contracts ;

(h) the admission and prohibition of specified classes or types of goods or of dealings in goods by a member of the recognised association ;

(i) the method and procedure for the settlement of claims or disputes including the settlement thereof by arbitration ;

(j) the levy and recovery of fees, fines and penalties ;

(k) the regulation of the course of business between parties to contracts in any capacity ;

(l) the fixing of a scale of brokerage and other charges ;

(m) the making, comparing, settling and closing of bargains ;

(n) the regulation of fluctuations in rates and prices ;

(o) the emergencies in trade which may arise and the exercise of powers in such emergencies including the power to fix maximum and minimum prices ;

(p) the regulation of dealings by members for their own account ;

(q) the limitations on the volume of trade done by any individual member ;

(r) the obligation of members to supply such information or explanation and to produce such books relating to their business as the governing body may require.

(3) The bye laws made under this section may—

(a) specify the bye-laws the contravention of any of which shall make a contract entered into otherwise than in accordance with the bye-laws void under sub-section (2) of section 15 :

(b) provide that the contravention of any of the bye-laws shall—

(i) render the member concerned liable to fine ; or

(ii) render the member concerned liable to expulsion or suspension from the recognised association or to any other penalty of a like nature not involving the payment of money.

(4) Any bye laws made under this section shall be subject to such conditions in regard to previous publication as may be prescribed, and when approved by the Central Government, shall be published in the Gazette of India and also in the Official Gazette of the State in which the principal office of the recognised association is situate :

Provided that the Central Government may, in the interest of the trade or in the public interest, by order in writing, dispense with the condition of previous publication, in any case.

12. Power of Central Government to make or amend bye-laws of recognised associations.—(1) The Central Government may, either on a request in writing received by it in this behalf from the governing body of a recognised association, or if in its opinion it is expedient so to do, make bye-laws for all or any of the matters specified in section 11 or amend any bye-laws made by such association under that section.

(2) Where, in pursuance of this section, any bye-laws have been made or amended, the bye-laws so made or amended shall be published in the Gazette of India and also in the Official Gazette of the State in which the principal office of the recognised association is situate, and on the publication thereof in the Gazette of India the bye-laws so made or amended shall have effect as if they had been made or amended by the recognised association.

(3) Notwithstanding anything contained in this section, where the governing body of a recognised association objects to any bye-laws made or amended under this section by the Central Government on its own motion, it may, within six months of the publication thereof under sub-section (2), apply to the Central Government for a revision thereof, and the Central Government may, after giving a reasonable opportunity to the governing body of the association to be heard in the matter, revise the bye-laws so made or amended, and where any bye-laws so made or amended are revised as a result of any action taken under this sub-section, the bye-laws so revised shall be published and shall become effective as provided in sub-section (2).

(4) The making or the amendment or revision of any bye-laws under this section shall in all cases be subject to the condition of previous publication :

Provided that the Central Government may, in the interest of the trade or in the public interest, by order in writing, dispense with the condition of previous publication.

13. Power of Central Government to supersede governing body of recognised association.—(1) Without prejudice to any other powers vested in the Central Government under this Act, where the Central Government is of opinion that the governing body of any recognised association should be superseded, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the Central Government may, after giving a reasonable opportunity to the governing body of the recog-

nised association concerned to show cause why it should not be superseded, by notification in the Official Gazette, declare the governing body of such association to be superseded for such period not exceeding six months as may be specified in the notification, and may appoint any person or persons to exercise and perform all the powers and duties of the governing body, and where more persons than one are appointed may appoint one of such persons to be the chairman and another of such persons to be the vice-chairman

(2) On the publication of a notification in the Official Gazette under sub-section (1), the following consequences shall ensue, namely :—

(a) the members of the governing body which has been superseded shall, as from the date of the notification of supersession cease to hold office as such members ;

(b) the person or persons appointed under sub-section (1) may exercise and perform all the powers and duties of the governing body which has been superseded ;

(c) all such property of the recognised association as the person or persons appointed under sub-section (1) may, by order in writing, specify in this behalf as being necessary for the purpose of enabling him or them to carry out the purposes of this Act, shall vest in such person or persons.

(3) Notwithstanding anything to the contrary contained in any law or the rules or bye-laws of the association whose governing body is superseded under sub-section (1), the person or persons appointed under that sub-section shall hold office for such period as may be specified in the notification published under that sub-section, and the Central Government may, from time to time, by like notification vary such period.

(4) On the determination of the period of office of any person or persons appointed under this section the recognised association shall forthwith reconstitute a governing body in accordance with its rules :

Provided that until a governing body is so reconstituted, the person or persons appointed under sub-section (1) shall, notwithstanding anything contained in sub section (1), continue to exercise and perform their powers and duties.

(5) On the reconstitution of a governing body under sub-section (4), all the property of the recognised association which had vested in, or was in the possession of, the person or persons appointed under sub-section (1) shall vest or re-vest, as the case may be, in the governing body so reconstituted.

14. *Power to suspend business of recognised associations.*—If in the interest of the trade or in the public interest the Central Government considers it expedient so to do, it may, by notification in the Official Gazette, direct a recognised association to suspend such of its business for such period not exceeding seven days and subject to such conditions as may be specified in the notification, and may if, in the opinion of the Central Government, the interest of the trade or the public interest so requires by like notification extend the said period from time to time :

Provided that where the period of suspension is likely to exceed one month, no notification extending the suspension beyond such period shall be issued, unless the governing body of the recognised association has been given an opportunity of being heard in the matter.

CHAPTER IV

FORWARD CONTRACTS AND OPTIONS IN GOODS

15. *Forward contracts in notified goods illegal or void in certain circumstances.*—(1) The Central Government may, by notification in the

Official Gazette, declare this section to apply to such goods or class of goods and in such areas as may be specified in the notification, and thereupon, subject to the provisions contained in section 18, every forward contract for the sale or purchase of any goods specified in the notification which is entered into in the area specified therein otherwise than between members of a recognised association or through or with any such member shall be illegal.

(2) Any forward contract in goods entered into in pursuance of sub-section (1) which is in contravention of any of the bye-laws specified in this behalf under clause (a) of sub-section (3) of section 11 shall be void—

(i) as respects the rights of any member of the recognised association who has entered into such contract in contravention of any such bye law, and also

(ii) as respects the rights of any other person who has knowingly participated in the transaction entailing such contravention.

(3) Nothing in sub-section (2) shall affect the right of any person other than a member of the recognised association to enforce any such contract or to recover any sum under or in respect of such contract :

Provided that such person had no knowledge that such transaction was in contravention of any of the bye-laws specified under clause (a) of sub-section (3) of section 11.

(4) No member of a recognised association shall, in respect of any goods specified in the notification under sub-section (1), enter into any contract on his own account with any person other than a member of the recognised association, unless he has secured the consent or authority of such person and discloses in the note, memorandum or agreement of sale or purchase that he has bought or sold the goods as the case may be, on his own account :

Provided that where the member has secured the consent or authority of such person otherwise than in writing he shall secure a written confirmation by such person of such consent or authority within three days from the date of such contract :

Provided further that in respect of any outstanding contract entered into by a member with a person other than a member of the recognised association, no consent or authority of such person shall be necessary for closing out in accordance with the bye-laws the outstanding contract, if the member discloses in the note, memorandum or agreement of sale or purchase in respect of such closing out that he has bought or sold the goods, as the case may be, on his own account.

16. *Consequences of notification under section 15.*—Where a notification has been issued under section 15, then notwithstanding anything contained in any other law for the time being in force or in any custom, usage or practice of the trade or the terms of any contract or the bye-laws of any association concerned relating to any contract,—

(a) every forward contract for the sale or purchase of any goods specified in the notification, entered into before the date of the notification and remaining to be performed after the said date and which is not in conformity with the provisions of section 15, shall be deemed to be closed out at such rate as the Central Government may fix in this behalf, and different rates may be fixed for different classes of such contracts ;

(b) all differences arising out of any contract so deemed to be closed out shall be payable on the basis of the rate fixed under clause (a) and the seller shall not be bound to give and the buyer shall not be bound to take delivery of the goods.

17. *Power to prohibit forward contracts in certain cases.*—(1) The Central Government may, by notification in the Official Gazette, declare that no person shall, save with the permission of the Central Government, enter into any forward contract for the sale or purchase of any goods or class of goods specified in the notification and to which the provisions of section 15 have not been made applicable, except to the extent and in the manner, if any, as may be specified in the notification.

(2) All forward contracts in contravention of the provisions of sub-section (1) entered into after the date of publication of the notification thereunder shall be illegal.

(3) Where a notification has been issued under sub-section (1), the provisions of section 16 shall, in the absence of anything to the contrary in the notification, apply to all forward contracts for the sale or purchase of any goods specified in the notification entered into before the date of the notification and remaining to be performed after the said date as they apply to all forward contracts for the sale or purchase of any goods specified in the notification under section 15.

18. *Special provisions respecting certain kinds of forward contracts.*—(1) Nothing contained in Chapter III or Chapter IV shall apply to non-transferable specific delivery contracts for the sale or purchase of any goods :

Provided that no person shall organise or assist in organising or be a member of any association in any area to which the provisions of section 15 have been made applicable (other than a recognised association) which provides facilities for the performance of any non-transferable specific delivery contract by any party thereto without having to make or to receive actual delivery to or from the other party to the contract or to or from any other party named in the contract.

(2) Where in respect of any area the provisions of section 15 have been made applicable in relation to forward contracts for the sale or purchase of any goods or class of goods, the Central Government may, by a like notification, declare that in the said area or any part thereof as may be specified in the notification all or any of the provisions of Chapter III or Chapter IV shall not apply to transferable specific delivery contracts for the sale or purchase of the said goods or class of goods either generally, or to any class of such contracts in particular.

(3) Notwithstanding anything contained in sub-section (1), if the Central Government is of opinion that in the interest of the trade or in the public interest it is expedient to regulate and control non-transferable specific delivery contracts in any area, it may, by notification in the Official Gazette, declare that all or any of the provisions of Chapters III and IV shall apply to such class or classes of non-transferable specific delivery contracts in such area and in respect of such goods or class of goods as may be specified in the notification, and may also specify the manner in which and the extent to which all or any of the said provisions shall so apply.

19. *Prohibition of options in goods.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, all options in goods entered into after the date on which this section comes into force shall be illegal.

(2) Any option in goods which has been entered into before the date on which this section comes into force and which remains to be performed, whether wholly or in part, after the said date shall, to that extent, become void.

CHAPTER V

PENALTIES AND PROCEDURE

20. *Penalty for contravention of certain provisions of Chapter IV.—*

(1) Any person who—

(a) without reasonable excuse (the burden of proving which shall be on him) fails to comply with any requisition made under sub-section (3) of section 8 ; or

(b) organises, or assists in organising, or is a member of, any association in contravention of the provisions contained in the proviso to sub-section (1) of section 18 ; or

(c) enters into any forward contract or any option in goods in contravention of any of the provisions contained in sub-section (1) of section 15, section 17 or section 19, shall, on conviction, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Any person who enters into any forward contract in contravention of the provisions contained in sub-section (4) of section 15 shall, on conviction, be punishable with fine.

21. *Penalty for owning or keeping place used for entering into forward contracts in goods.—* Any person who—

(a) owns or keeps a place other than that of a recognised association, which is used for the purpose of entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act and knowingly permits such place to be used for such purposes, or

(b) without the permission of the Central Government, organises, or assists in organising, or becomes a member of, any association, other than a recognised association, for the purpose of assisting in, entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act, or

(c) manages, controls or assists in keeping any place other than that of a recognised association, which is used for the purpose of entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act or at which such forward contracts are recorded or adjusted, or rights or liabilities arising out of such forward contracts are adjusted, regulated or enforced in any manner whatsoever, or

(d) not being a member of a recognised association, wilfully represents to, or induces, any person to believe that he is a member of a recognised association or that forward contracts can be entered into or made or performed, whether wholly or in part, under this Act through him, or

(e) not being a member of a recognised association or his agent authorised as such under the rules or bye-laws of such association ; canvasses, advertises or touts in any manner, either for himself or on behalf of any other person, for any business connected with forward contracts in contravention of any of the provisions of this Act, or

(f) joins, gathers, or assists in gathering at any place, other than the place of business specified in the bye-laws of a recognised association, any person or persons for making bids or offers or for entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act, or

(g) makes, publishes or circulates any statement or information which is false and which he either knows or believes to be false, affecting or tending to affect the course of business in forward contracts in respect

of goods to which the provisions of section 15 have been made applicable, shall, on conviction, be punishable with imprisonment which may extend to two years, or with fine, or with both.

22. Offences by companies.—(1) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation — For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals ; or

(b) “director”, in relation to a firm, means a partner in the firm.

23. Certain offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any offence punishable under sub-section (1) of section 20 or section 21 shall be deemed to be a cognizable offence within the meaning of that Code.

24. Jurisdiction to try offences under this Act.—No court inferior to that of a presidency magistrate or a magistrate of the first class shall take cognizance of or try any offence punishable under this Act.

CHAPTER VI

MISCELLANEOUS

25. Advisory Committee.—For the purpose of advising the Central Government in relation to any matter concerning the operation of this Act, the Central Government may establish an advisory committee consisting of such number of persons as may be prescribed.

26. Power to delegate—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may, in such circumstances and subject to such conditions, if any, as may be specified, be exercised by such officer or authority, including any State Government or officers or authorities thereof as may be specified in the direction.

27. Power to exempt.—The Central Government may, by notification in the official Gazette, exempt, subject to such conditions and in such circumstances and in such areas as may be specified in the notification, any contract or class of contracts from the operation of all or any of the provisions of this Act.

28. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the terms and conditions of service of members of the Commission :

(b) the manner in which applications for recognition may be made under section 5 and the levy of fees in respect thereof ;

(c) the manner in which any inquiry for the purpose of recognising any association may be made and the form in which recognition shall be granted ;

(d) the particulars to be contained in the annual reports of recognised associations ;

(e) the manner in which the bye-laws to be made, amended or revised under this Act shall, before being so made, amended or revised, be published for criticism ;

(f) the constitution of the advisory committee established under section 25, the terms of office of and the manner of filling vacancies among members of the committee ; the interval within which meetings of the advisory committee may be held and the procedure to be followed at such meetings ; and the matters which may be referred by the Central Government to the advisory committee for advice ;

(g) any other matter which is to be or may be prescribed.

The Abducted Persons (Recovery and Restoration) Amendment Act, 1952.

The following Act of Parliament received the assent of the President on the 26th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 29th December 1952.

Act No. LXXVII of 1952.

[26th December 1952]

An Act further to amend the Abducted Persons (Recovery and Restoration) Act, 1949

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Abducted Persons (Recovery and Restoration) Amendment Act, 1952.

2. *Amendment of section 1, Act LXV of 1949.*—In section 1 of the Abducted Persons (Recovery and Restoration) Act, 1949 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-sections shall be substituted, namely :—

“(2) Section 5 extends to the whole of India, and the remaining provisions extend to the States of Punjab, Uttar Pradesh, Patiala and East Punjab States Union, Rajasthan and Delhi.”

(3) This Act shall remain in force up to the 28th day of February, 1954.”

3. *Substitution of new section for section 3 in Act LXV of 1949.*—For section 3 of the principal Act, the following section shall be substituted, namely :—

“3. *Establishment of camps.*—(1) The Central Government may, in any State to which this Act extends, establish as many camps as it may consider necessary for the reception and temporary detention of abducted persons, and any place established in the State before the commencement of the Abducted Persons (Recovery and Restoration) Amendment Act, 1952, for such reception and detention shall be deemed to be a camp established by the Central Government within the meaning of the section.

(2) The Central Government shall, as soon as may be practicable, notify in the Official Gazette all camps established in every State to which this Act extends.”

4. *Amendment of section 4, Act LXV of 1949.*—In section 4 of the principal Act,

(a) in sub-section (1), for the words "State Government", the words "Central Government" shall be substituted ;

(b) in sub-section (2), for the words "conferred by sub-section (1) any such police officer", the words "conferred on him by this section or by section 5, any police officer" shall be substituted.

5. *Substitution of new section for section 5 in Act LXV of 1949.*—For section 5 of the principal Act, the following section shall be substituted, namely :—

"5. *Power to take into custody abducted persons found in territories to which the other provisions of this Act do not extend.*—Notwithstanding anything contained in the Delhi Special Police Establishment Act, 1946 (XXV of 1946), any police officer belonging to the Delhi Special Police Establishment who is specially authorised by the Central Government in this behalf may, if he has reason to believe that an abducted person has been removed from any place in any of the States specified in sub-section (2) of section 1 and that such person is residing or is to be found in any other place in India, without warrant and after securing the assistance of the officer in charge of the police station within whose jurisdiction the abducted person is believed to be residing or is to be found, enter and search the place and take into custody any such person and deliver or cause to be delivered such person to the custody of the officer in charge of the camp in the State from which the abducted person has been removed :

Provided that nothing contained in this section shall be deemed to enable any member of the Delhi Special Police Establishment to exercise any powers conferred thereby in a Part A State or a Part B State without the consent of the Government of that State."

6. *Amendment of section 7, Act LXV of 1949.*—In sub-section (1) of section 7 of the principal Act, for the words "State Government", the words "Central Government" shall be substituted.

7. *Amendment of section 9, Act LXV of 1949.*—In section 9 of the principal Act, for the words "the Central Government, the State Government", the words "the Government", shall be substituted.

8. *Amendment of section 10, Act LXV of 1949.*—In section 10 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

"(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the transfer of abducted persons from one camp to another, whether within the State or without the State ;

(b) the maintenance of health and good order in camps and of harmonious relations among the abducted persons detained therein ;

(c) the composition, powers and functions of, and the procedure to be followed by, the Tribunal to be constituted under section 6 ;

(d) the manner in which and the time within which any application for the revision of any order of the Tribunal may be made under section 6 ;

(e) the manner in which any abducted person may be delivered to the custody of any officer or authority under section 7, or restored to his or her relatives, or conveyed out of India by any such officer or authority

(3) In making any rule under clause (b) of sub-section (2), the Central Government may provide that a breach thereof shall be tried and punished by the person in charge of the camp in such manner as may be prescri-

bed in the rules :

Provided that no abducted person shall be liable to be tried in a criminal court in respect of any offence punishable under any such rule."

9. *Repeal*.—The Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1952 (IX of 1952), is hereby repealed.

The Industrial Finance Corporation (Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 29th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 31st December, 1952:

Act No. LXXVIII of 1952

[29th December, 1952.]

An Act further to amend the Industrial Finance Corporation Act, 1948.

BE it enacted by Parliament as follows :—

1. *Short title*.—This Act may be called the Industrial Finance Corporation (Amendment) Act, 1952.

2. *Amendment of section 2, Act XV of 1948*.—In clause (c) of section 2 of the Industrial Finance Corporation Act, 1948 (hereinafter referred to as the principal Act), after the words "or processing of goods" the words "or in shipping" shall be inserted.

3. *Amendment of section 10, Act XV of 1948*.—Section 10 of the principal Act shall be re-numbered as sub-section (1) of that section, and—

(a) in sub-section (1) as so re-numbered,—

(i) in clause (a) for the word "three" the word "four" shall be substituted ;

(ii) after clause (f), the following clause shall be inserted, namely :—

"(g) One Deputy Managing Director appointed by the Corporation.;"

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) The Deputy Managing Director shall have the right to attend any meeting of the Board or of the Executive Committee and take part in its discussions but shall not have the right to vote at any such meeting :

Provided that when the Managing Director is for any reason unable to attend any such meeting, the Deputy Managing Director shall have the right to vote for him at that meeting."

4. *Amendment of section 11, Act XV of 1948*.—In section 11 of the principal Act,—

(i) in sub-section (1), for the words "the Central Government" the words "the authority appointing him" shall be substituted ;

(ii) in the third proviso to sub-section (2), after the words "provided further that" the word "such" shall be inserted ;

(iii) in sub-section (4), after the words "the Managing Director" the words "and the Deputy Managing Director" shall be inserted.

5. *Amendment of section 12, Act XV of 1948*.—In section 12, of the principal Act,—

(i) for clause (a), the following clause shall be substituted, namely :—

"(a) except in the case of the Managing Director or the Deputy Managing Director, is a salaried official of the Corporation ; or"

(ii) in clause (b), after the word "payment", the words "of his debts" shall be inserted.

6. *Substitution of new section for section 13 in Act XV of 1948*.—For section 13 of the principal Act, the following section shall be substituted, namely :—

"13 Removal of Director from office.—(1) The Central Government may at any time remove the Managing Director from office after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(2) The Board may remove from office any Director who—

(a) is, or has become, subject to any of the disqualifications mentioned in section 12 ; or

(b) is absent without leave of the Board from more than three consecutive meetings of the Board without excuse sufficient in the opinion of the Board to exonerate the absence."

7. Insertion of new section 13A in Act XV of 1948.—After section 13 of the principal Act, the following section shall be inserted, namely :—

"13A. Casual vacancy of Managing Director.—If the Managing Director is by infirmity or otherwise rendered incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may, after consideration of the recommendation of the Board, appoint another person to act in his place.

8. Amendment of section 14, Act XV of 1948.—In section 14 of the principal Act, for the words "such officers" the words "a Deputy Managing Director and such other officers" shall be substituted.

9. Amendment of section 17, Act XV of 1948.—In sub-section (3) of section 17 of the principal Act,—

(i) after the words "as the case may be, shall" the words, brackets and figures "subject to the provisions of sub-section (2) of section 10" shall be inserted ;

(ii) after the words "the Chairman" the words "or in his absence, any other person presiding" shall be inserted.

10. Amendment of section 19, Act XV of 1948.—To section 19 of the principal Act, the words "or in consultation with the Reserve Bank, with a scheduled bank or a State Co-operative Bank" shall be added.

11. Amendment of section 21, Act XV of 1948.—After sub-section (2) of section 21 of the principal Act, the following sub-section shall be inserted, namely :—

"(3) The Corporation may, for the purpose of carrying out its functions under this Act, borrow money from the Reserve Bank—

(a) against securities of the Central Government or of any State Government, repayable on demand or on the expiry of fixed periods not exceeding ninety days from the date on which the money is so borrowed ; or

(b) against bonds and debentures issued by the Corporation under sub-section (1) or against such other security as may be required by the Reserve Bank maturing and repayable within a period not exceeding eighteen months from the date on which the money is so borrowed :

Provided that the amount borrowed by the Corporation under clause (b) shall not at any time exceed three crores of rupees in the aggregate."

12. Amendment of section 23, Act XV of 1948.—In section 23 of the principal Act,—

(i) after clause (e) of sub-section (1), the following clause shall be inserted, namely :—

"(ee) acting as agent for the Central Government or with its approval, for the International Bank for Reconstruction and Development in the transaction of any business with an industrial concern in respect of

loans or advances granted or debentures subscribed, by either of them.”;

(ii) in sub-section (2), for the words, brackets and letters “sub-clauses (a) and (e)” the words, brackets, letters and figure “clauses (a) and (e) of sub-section (1)” shall be substituted.

13. *Amendment of section 24, Act XV of 1948.*—In section 24 of the principal Act, for the words “for an amount equivalent in the aggregate to more than ten per cent. of the paid up share capital of the Corporation but in no case exceeding fifty lakhs of rupees”, the following shall be substituted, namely :—

“for an amount exceeding one crore of rupees in the aggregate :

Provided that the aforesaid limit of one crore of rupees shall not apply to any such arrangement when any loans, advances or debentures are, on the recommendation of the Corporation, guaranteed by the Central Government as to the repayment of the principal and the payment of the interest.”

14. *Amendment of section 25, Act XV of 1948.*—To sub-section (2) of section 25 of the principal Act, the words “or in any instrument relating to the industrial concern” shall be added.

15. *Amendment of section 26, Act XV of 1948.*—In section 26 of the principal Act, after clause (b), the following clause shall be inserted, namely :—

“(c) grant any loan or advance on the security of its own shares.”

16. *Substitution of new section for section 27 in Act XV of 1948.*—For section 27 of the principal Act, the following section shall be substituted, namely :—

“27. *Loans in foreign currency* —(1) Notwithstanding anything contained in the Foreign Exchange Regulation Act, 1947 (VII of 1947) or in any other enactment for the time being in force relating to foreign exchange, the Corporation may, for the purpose of granting loans or advances to industrial concerns, borrow, with the previous consent of the Central Government, foreign currency from the International Bank for Reconstruction and Development or otherwise.

(2) The Central Government may, where necessary, guarantee all loans taken by the Corporation under sub-section (1) as to the repayment of the principal and the payment of the interest and other incidental charges.

(3) All loans and advances to industrial concerns out of foreign currency borrowed under sub-section (1) shall be granted in Indian currency and shall be repayable by such concerns in the Indian currency.

(4) Any loss or profit accruing to the Corporation in connection with any borrowing of foreign currency under sub-section (1) or its repayment on account of any fluctuations in the rates of exchange shall be reimbursed by, or paid to, the Central Government, as the case may be.”

17. *Amendment of section 28, Act XV of 1948.*—After sub-section (3) of section 28 of the principal Act, the following sub-section shall be inserted, namely :—

“(3A) Where the management of an industrial concern is taken over by the Corporation or any property is sold or realised by it under the provisions of sub-section (1), all costs, charges and expenses properly incurred by it as incidental to such management, sale or realisation shall be recoverable from the industrial concern, and the money which is received by it from such management sale or realisation shall, in the absence of any contract to the contrary, be held by it in trust to be applied, firstly, in payment of such costs, charges and expenses and, secondly, in discharge of

the debt due to the Corporation, and the residue of the money so received shall be paid to the person entitled thereto."

18. *Amendment of section 29, Act XV of 1948.*—In section 29 of the principal Act,—

(i) for the words beginning with the words "Notwithstanding any agreement to the contrary" and ending with the words "its liabilities to the Corporation", the following shall be substituted, namely:—

"Notwithstanding anything in any agreement to the contrary, the Corporation may, by notice in writing, require any industrial concern to which it has granted any loan or advance to discharge forthwith in full its liabilities to the Corporation,—";

(ii) in clause (d), for the words beginning with the words "or depreciates in value" and ending with the words "is not given" the following shall be substituted, namely:—

"or depreciates in value to such an extent that, in the opinion of the Board further security to the satisfaction of the Board should be given and such security is not given,—";

(iii) in clause (e), for the words "machinery or other equipment" the words "any machinery, plant or other equipment" shall be substituted;

(iv), in clause (f), the words "in the opinion of the Board" shall be omitted;

19. *Amendment of section 30, Act XV of 1948.*—In section 30 of the principal Act,—

(i) in sub-section (1), for the words beginning with the words "Where by reason of the breach" and ending with the words "to repay such loan or advance", the following shall be substituted, namely:—

"Where an industrial concern, in breach of any agreement, makes any default in repayment of any loan or advance or any instalment thereof or otherwise fails to comply with the terms of its agreement with the Corporation or where the Corporation requires an industrial concern to make immediate repayment of any loan or advance under section 29 and the industrial concern fails to make such repayment; then, without prejudice to the provisions of section 69 of the Transfer of Property Act, 1882 (IV of 1882),";

(ii) for sub-section (13), the following sub-section shall be substituted, namely:—

"(13). The functions of a District Judge under this section shall, in a presidency town, be exercised by the High Court."

20. *Insertion of new sections 30A to 30E in Act XV of 1948.*—After section 30 of the principal Act, the following sections shall be inserted, namely:—

"30A. *Power of Corporation to appoint directors of an industrial concern when management is taken over.*—(1) When the management of an industrial concern is taken over by the Corporation, the Corporation may, by order notified in the Official Gazette, appoint as many persons as it thinks fit to be the directors of that industrial concern."

(2) The power to appoint directors under this section includes the power to appoint any individual, firm or company to be the managing agents of the industrial concern on such terms and conditions as the Corporation may think fit.

30-B. *Effect of notified order appointing directors.*—On the issue of a notified order under section 30A,—

(a) all persons holding office as directors of the industrial concern

immediately before the issue of the notified order shall be deemed to have vacated their offices as such ;

(b) any contract of management between the industrial concern and any managing agent or any director thereof holding office as such immediately before the issue of the notified order shall be deemed to have terminated ;

(c) the managing agent, if any, appointed under section 30A shall be deemed to have been duly appointed in pursuance of the Indian Companies Act, 1913 (VII of 1913) and the memorandum and articles of association of the industrial concern and the provisions of the said Act and of the memorandum and articles shall, subject to the other provisions contained in this Act, apply accordingly, but no such managing agent shall be removed from office except with the previous consent of the Corporation ;

(d) the directors appointed under section 30A shall take such steps as may be necessary to take into their custody or under their control all the property, effects and actionable claims to which the industrial concern is, or appears to be, entitled, and all the property and effects of the industrial concern shall be deemed to be in the custody of the directors as from the date of the notified order ;

(e) the directors appointed under section 30A shall be, for all purposes, the directors of the industrial concern duly constituted under the Indian Companies Act, 1913 (VII of 1913) and shall alone be entitled to exercise all the powers of the directors of the industrial concern, whether such powers are derived from the said Act or from the memorandum or articles of association of the industrial concern or from any other source.

30C. *Powers and duties of directors.*—(1) Subject to the control of the Corporation, the directors appointed under section 30A shall take such steps as may be necessary for the purpose of efficiently managing the business of the industrial concern and shall exercise such powers and have such duties as may be prescribed.

(2) Without prejudice to the generality of the powers vested in them under sub-section (1), the directors appointed under section 30A may, with the previous approval of the Corporation, make an application to a Court for the purpose of cancelling or varying any contract or agreement entered into, at any time before the issue of the notified order under section 30A, between the industrial concern and any other person and the Court may, if satisfied after due inquiry that such contract or agreement had been entered into in bad faith and is detrimental to the interests of the industrial concern, make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) that contract or agreement and the contract or agreement shall have effect accordingly.

30D. *No right to compensation for termination of contract of managing agents.*—(1) Notwithstanding anything contained in any law for the time being in force, no managing agent, managing director or any other director of an industrial concern shall be entitled to any compensation for the loss of office or for the premature termination under this Act of any contract of management entered into by him with such concern

(2) Nothing contained in sub-section (1) shall affect the right of any such managing agent or managing director or any other director to recover from the industrial concern moneys recoverable otherwise than by way of such compensation.

30E. *Application of Act VII of 1913.*—(1) Where the management of an industrial concern, being a company as defined in the Indian Com-

panies Act, 1913 (VII of 1913), is taken over by the Corporation, then, notwithstanding anything contained in the said Act or in the memorandum or articles of association of such concern,—

(a) it shall not be lawful for the shareholders of such concern or any other person to nominate or appoint any person to be a director of the concern ;

(b) no resolution passed at any meeting of the shareholders of such concern shall be given effect to unless approved by the Corporation ;

(c) no proceeding for the winding up of such concern or for the appointment of a receiver in respect thereof shall lie in any court, except with the consent of the Corporation.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Indian Companies Act, 1913 (VII of 1913) shall continue to apply to such concern in the same manner as it applied thereto before the issue of the notified order under section 30A."

21. *Amendment of section 32, Act XV of 1948.*—In the first proviso to sub-section (2) of section 32 of the principal Act, after the words, brackets, and figures "given in pursuance of sub-section (2) of section 21" the words, brackets and figures "or sub-section (2) of section 27" shall be inserted.

22. *Insertion of new section 32A in Act XV of 1948.*—After section 32 of the principal Act, the following section shall be inserted, namely :—

"32A. *Special reserve fund*—(1) All dividends accruing on the shares of the Corporation held by the Central Government and the Reserve Bank shall, instead of being paid to them, be credited to a special reserve fund until the aggregate of the sums so credited exceeds fifty lakhs of rupees.

(2) No shareholder of the Corporation other than the Central Government or the Reserve Bank shall have any claim to the special reserve fund referred to in sub-section (1)."

23. *Amendment of section 33, Act XV of 1948.*—In sub-section (1) of section 33 of the principal Act, for the word "two" the word "three" shall be substituted.

24. *Amendment of section 34, Act XV of 1948.*—In section 34 of the principal Act,—

(i) for sub-section (1) the following sub-section shall be substituted, namely :—

"(1) The affairs of the Corporation shall be audited by not less than two auditors duly qualified to act as auditors of companies under sub-section (1) of section 144 of the Indian Companies Act, 1913 (VII of 1913), one of whom shall be appointed by the Central Government in consultation with the Comptroller and Auditor-General of India and the other elected in the prescribed manner by the parties mentioned in sub-section (3) of section 4, and such remuneration as the Central Government may fix shall be paid to the auditors by the Corporation."

(ii) in sub-section (4), after the words "The Central Government may" the words "in consultation with the Comptroller and Auditor-General of India" shall be inserted ;

(iii) after sub-section (4), the following sub-sections shall be inserted, namely :—

"(5) The Corporation shall send a copy of every report of the auditors to the Comptroller and Auditor-General of India at least one month before it is placed before the shareholders.

(6) Notwithstanding anything contained in the preceding sub-sections, the Comptroller and Auditor-General of India may, either of his own motion or on a request received in this behalf from the Central Government, undertake such audit and at such times as he may consider necessary :

Provided that where the Central Government is required to make any payment on account of the guarantee given by it under section 5 or sub-section (2) of section 21 or sub-section (2) of section 27, as the case may be, such audit shall be undertaken by the Comptroller and Auditor-General of India.

(7) Every audit report shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament."

25. Amendment of section 35, Act XV of 1948.—In section 35 of the principal Act,—

(i) in sub-section (2), for the words "a classification" the words "a statement showing the classification" shall be substituted ;

(ii) in sub-section (3), for the word "two" the word "three" shall be substituted.

26. Amendment of section 38, Act XV of 1948.—In sub-section (2) of section 38 of the principal Act, for the words "or servant" the words "or other employee" shall be substituted.

27. Amendment of section 39, Act XV of 1949.—In section 39 of the principal Act, for the words "or servant" the words "or other employee" shall be substituted.

28. Amendment of section 40, Act XV of 1948.—In the first proviso to section 40 of the principal Act,—

(i) after the words, brackets and figures "in pursuance of sub-section (2) of section 21" the words, brackets and figures "or sub-section (2) of section 27" shall be inserted ;

(ii) after the words "debentures or bonds" the words, brackets and figures "or on foreign currency borrowed under sub-section (1) of section 27" shall be inserted.

29. Insertion of new section 41A in Act XV of 1948.—After section 41 of the principal Act, the following section shall be inserted, namely :—

"41A. *Effect of Act on other laws.*—The provisions of this Act and of any rules or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the memorandum or articles of association of an industrial concern or in any other instrument having effect by virtue of any law other than this Act, but save as aforesaid the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being applicable to an industrial concern."

30. Amendment of section 43, Act XV of 1948.—In section 43 of the principal Act,—

(a) in sub-section (1), after the words "with this Act" the words "and the rules made thereunder" shall be inserted ;

(b) In sub-section (2),—

(i) in clause (k), for the words "officers and servants and agents" the words "officers, other employees, advisers and agents" shall be substituted ;

(ii) for clause (m), the following clause shall be substituted, namely :—

“(m) the taking over of the management of any industrial concern on a breach of its agreement with the Corporation and the powers and duties of directors under section 300 ;”;

(iii) in clause (n), for the words “*ad hoc*” the word “advisory” shall be substituted and the word “and” at the end shall be omitted ;

(iv) after clause (n), the following clause shall be inserted, namely :—

“(nn) the election of an auditor under sub-section (1) of section 34”.

31. Amendment of the Schedule, Act XV of 1948.—In the Schedule to the principal Act, the word “Signature”, where it occurs for the second time, and the word “Designation” shall be omitted.

The Iron and Steel Companies Amalgamation Act, 1952.

The following Act of Parliament received the assent of the President on the 29th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 31st December 1952.

Act No. LXXIX of 1952.

[29th December, 1952]

An Act to make special provision, in the interest of the general public and the Union, for the amalgamation of certain companies closely connected with each other in the manufacture and production of iron and steel, and for matters connected therewith or incidental thereto.

WHEREAS for the purpose of securing, in the interests of the general public and the Union, the efficient and economical expansion and working of the iron and steel industry in India, it is essential that the Steel Corporation of Bengal, Limited, and the Indian Iron and Steel Company, Limited, which are engaged in the manufacture and production of iron and steel, should be amalgamated ;

AND WHEREAS to give effect to the scheme of the Central Government for the expansion of the iron and steel industry and to make available further resources for such expansion, it is necessary that the said companies should be amalgamated with as little delay as possible ;

AND WHEREAS the amalgamation of the said companies is also in pursuance of successive recommendations made by the Tariff Board and the Tariff Commission ;

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Iron and Steel Companies Amalgamation Act, 1952.

(2) It shall be deemed to have come into force on the 29th day of October, 1952.

Notes.

Object.—“The Tariff Board and the Tariff Commission recommended on successive occasions that in the larger interests of the steel industry in India, the Indian Iron and Steel Co., Ltd. should be amalgamated with the Steel Corporation of Bengal, Ltd. as such amalgamation would eliminate duplication and waste and ultimately tend to reduce costs of production. In view of the serious shortage of steel in India for essential nation-building activities, it has also become imperative that the schemes approved by Government for the expansion of the steel production capacity of these Companies should be given effect to without further delay and that necessary financial and other resources should be made available to them. Effective action in this behalf is possible only after the amalgamation of the Companies. In view of the urgency of the matter,

and the desirability of avoiding any speculation in the market, it was decided that an Ordinance should be promulgated for securing this amalgamation. The Government of India accordingly promulgated the Iron and Steel Companies Amalgamation Ordinance, 1952, on the 29th October 1952.

The present Act replaces the Ordinance." [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part II-Section 2, dated the 22nd November 1952, page 558.]

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 1st day of January, 1953 ;

(b) "the dissolved company" means the Steel Corporation of Bengal, Limited, formed and registered under the Indian Companies Act, 1913 (VII of 1913);

(c) "the Iron and Steel Company" means the Indian Iron and Steel Company, Limited, formed and registered under the Indian Companies Act, 1913 (VII of 1913);

(d) "prescribed" means prescribed by rules made under this Act.

3. *Amalgamation of certain companies engaged in the iron and steel industry.*—(1) As from the appointed day, the undertaking of the Steel Corporation of Bengal, Limited, shall be transferred to and shall vest in the Iron and Steel Company.

(2) The undertaking of the dissolved company shall be deemed to include all rights, powers, authorities and privileges and all property, movable or immovable, including cash balances, reserves, revenue balances, investments and all other interests and rights in or arising out of such property as may belong to, or be in the possession of, the dissolved company immediately before the appointed day, and all books, accounts and documents relating thereto, and shall also be deemed to include all debts, liabilities and obligations of whatever kind then existing of the dissolved company.

4. *Special provision for the transfer of certain items of property.*—For the purposes of this Act, all the profits of the dissolved company for the year 1952 and the revenue reserves of the dissolved company, when transferred to the Iron and Steel Company under the provisions of this Act, shall be deemed to be respectively the profits of the Iron and Steel Company for the said year and revenue reserves of the said company :

Provided that nothing in this section shall entitle a director or a managing agent of the Iron and Steel Company to any commission or other remuneration in respect of any profits so transferred.

5. *Saving of contracts, etc., to which the dissolved company is a party.*—Subject to the other provisions contained in this Act, all contracts, deeds, bonds, agreements and other instruments of whatever nature to which the dissolved company is a party, subsisting or having effect immediately before the appointed day, shall be of as full force and effect against or in favour of the Iron and Steel Company, as the case may be, and may be enforced as fully and effectually as if, instead of the dissolved company, the Iron and Steel Company had been a party thereto.

6. *Saving of legal proceedings to which the dissolved company is a party.*—If, on the appointed day, any suit, appeal or other legal proceeding of whatever nature by or against the dissolved company is pending, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer to the Iron and Steel Company of the undertaking of the dissolved company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecu-

ted and enforced by or against the Iron and Steel Company, in the same manner and to the same extent as it would or may be continued, prosecuted and enforced by or against the dissolved company if this Act had not been passed.

7. *Terms of transfer as respects shareholders in the dissolved company.*—(1) As soon as may be after the appointed day, the Iron and Steel Company shall, subject to the rules, if any, made in this behalf, allot to every person registered as a shareholder in the dissolved company immediately before the appointed day.—

(a) if he is the holder of preference shares, as many preference shares in the Iron and Steel Company as are equivalent in number and value to the preference shares held by him in the dissolved company immediately before the appointed day, and

(b) if he is the holder of ordinary shares, four ordinary shares for rupees ten each in the Iron and Steel Company for every five ordinary shares for rupees ten each held by him in the dissolved company immediately before the appointed day, being the relative values of the two shares as determined by the Tariff Commission established under the Tariff Commission Act, 1951 (L of 1951).

(2) Notwithstanding anything contained in any other law for the time being in force, any report made by the Tariff Commission before the commencement of this Act respecting the value of ordinary shares in the Iron and Steel Company in relation to the value of ordinary shares in the dissolved company shall be deemed to have been validly made and shall not be called in question in any court.

(3) Every shareholder in the dissolved company to whom a preference share has been allotted under this section shall be entitled—

(i) to receive a fixed cumulative preferential dividend at the rate of five per cent. per annum as from the 1st day of January, 1953, on the capital for the time being paid up or credited as having been fully paid up thereon without deduction of Indian income-tax paid by the company ;

(ii) subject to the provisions of clause (i), to rank for dividend equally with the holders of preference shares in the Iron and Steel Company immediately before the appointed day, and in priority to all other shareholders in that company ;

(iii) to be repaid, in the winding up of the Iron and Steel Company, the amounts paid up or credited as having been fully paid up thereon, together with any arrears of dividends (whether earned or not), calculated to the date of repayment of capital, equally with the holders of preference shares in the Iron and Steel Company immediately before the appointed day, and in priority to all other shareholders in that company ;

(iv) to exercise the same voting rights at general meetings of the Iron and Steel Company as are conferred on the holders of preference shares in that company immediately before the appointed day.

(4) The Iron and Steel Company shall cause a notice to be published in the Gazette of India and shall also send by post to every person whose name was entered immediately before the appointed day in the register of shareholders in the dissolved company, a notice giving particulars of the terms hereinbefore set out as to the allotment of new shares and the disposal in the prescribed manner of fractional shares and an allotment letter for the new shares which shall also contain a statement of the fractional shares (if any) to which a shareholder would be entitled if fractional shares are to be allotted.

(5) Every shareholder in the dissolved company whose name appears in the register of the dissolved company immediately before the appointed day shall be entitled, on presentation within the prescribed period of the allotment letter and the share certificate in respect of the shares held by him in the dissolved company, to receive in due course share certificates of the Iron and Steel Company in accordance with the provisions of this Act and the rules made thereunder.

(6) Any rights specified in sub-section (5) shall, during the period beginning with the appointed day and ending with the day on which the Iron and Steel Company issues fresh share certificates to the shareholders of the dissolved company, be transferable in like manner as the shares in the Iron and Steel Company themselves are transferable, and the transferees of such rights shall be entitled, upon submission of the letter of allotment, the relative share certificate in the dissolved company and the document of transfer to share certificates in the same manner and to the same extent as the transferors would have been entitled.

8. *Priority as between secured creditors of the dissolved company and secured creditors of the Iron and Steel Company.*—Creditors of the dissolved company whose debts are secured by a mortgage, charge or lien on the property of the dissolved company or any part thereof shall, with reference to similar secured creditors of the Iron and Steel Company, have such priority in the repayment of the debts as may be determined by agreement between the Iron and Steel Company and the secured creditors of the dissolved company :

Provided that in the absence of any such agreement the matter shall be referred by the Iron and Steel Company to the determination of such person as may be appointed by the Central Government in this behalf, and the decision of such person shall be final and binding on the Iron and Steel Company and the secured creditors concerned.

9. *Provisions with respect to taxation.*—(1) The Iron and Steel Company shall be taxable in respect of the profits and gains of the business carried on by the dissolved company before the appointed day to the same extent as the dissolved company would have been taxable if this Act had not been passed, and the Iron and Steel Company shall, in its assessment, be entitled to claim all such allowances under sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (XI of 1922) as the dissolved company could have claimed in its assessment if this Act had not been passed.

(2) For the purposes of any law relating to taxation on income, the original cost to the Iron and Steel Company of the buildings, machinery, plant or furniture of the dissolved company transferred to it by virtue of this Act shall be deemed to be the written down value thereof, as reduced by the initial depreciation permitted by sub-section (2) of section 10 of the Indian Income-Tax Act, 1922 (XI of 1922), which has been or could have been computed by the dissolved company on the appointed day if this Act had not been passed.

10. *Payment of interim dividends to shareholders in the dissolved company*—If the profits of the dissolved company warrant such a course, the directors of the dissolved company may, at any time before the appointed day, declare the following dividends as being payable—

(a) to the holders of preference shares immediately before the appointed day, a dividend at the rate of five per cent. *per annum* on the amount paid up without deduction of Indian income tax payable by the dissolved company for the period commencing on the 1st day of June, 1952, and ending with the 31st day of December, 1952 ;

(b) to the holders of ordinary shares whose names appear on the register of the company on the date of such payment, an *interim* dividend, not exceeding two and half *per cent.* on the amount paid up or credited as having been fully paid up thereon without deduction of Indian income-tax payable by the dissolved company for the period commencing on the 1st day of January, 1952, and ending with the 31st day of December, 1952.

11. Provisions respecting existing officers and other employees of the dissolved company—Every officer or other employee (including within that expression auditors but excluding therefrom directors, managing agents and London Committee Members) employed immediately before the appointed day in the dissolved company shall, as from the appointed day, become an officer or other employee, as the case may be, of the Iron and Steel Company and shall hold his office or service therein by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension or gratuity as he would have held the same under the dissolved company if this Act had not been passed, and shall continue to do so unless and until he is duly removed from his employment in the Iron and Steel Company or until his terms and conditions of employment are duly altered by that Company.

12. Position of directors of the dissolved company.—Every director of the dissolved company holding office as such immediately before the appointed day shall become, as from the appointed day, a director of the Iron and Steel Company, in addition to the other directors of the Iron and Steel Company holding office as such before the appointed day, and shall, subject to the provisions of the articles of association of the Iron and Steel Company, hold his office and act in all respects as if he had been duly appointed under the said articles.

13. Dissolution of the Steel Corporation of Bengal, Limited.—As from the appointed day—

(a) the Steel Corporation of Bengal, Limited, shall be dissolved and thereafter no person shall make, assert or take any claims, demands or proceedings against the dissolved company or against a director or officer thereof in his capacity as such director or officer, except in so far as may be necessary, for enforcing the provisions of this Act ;

(b) the right of every shareholder to or in respect of any share in the dissolved company shall be extinguished, and thereafter no such shareholder shall make, assert or take any claims or demands or proceedings in respect of any such share except as provided in this Act.

14. Power to make rules for facilitating amalgamation.—The Central Government may, by rules published in the Official Gazette, make such incidental, consequential or supplementary provisions as in its opinion are necessary for fully and effectually carrying out the purposes of this Act, and without prejudice to the generality of such power, provision may be made in such rules—

(a) for the allotting or appropriation by the Iron and Steel Company of any shares, debentures, policies or other like interests in that company which are to be allotted or appropriated under this Act by that company to or from any person ;

(b) for the disposal of shares in the dissolved company which do not represent one fully paid up share in the Iron and Steel Company under clause (b) of sub-section (1) of section 7, whether by the surrender to the Iron and Steel Company of the fractional certificates relating thereto with other fractional certificates so as to represent in all one fully paid

up share, or, at the option of the shareholder, by the surrender of the fractional certificates to the Iron and Steel Company for sale by the company on his account ;

(c) for fixing the period within which any action required to be taken under this Act may be taken ;

(d) for the alteration, notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), of the memorandum or articles of association of the Iron and Steel Company for the purpose of increasing the capital of the company or the borrowing powers of the directors thereof or for the purpose of securing the representation of the Central Government on the Board of Directors of the company or for any other purpose ;

(e) for requiring any person concerned with the keeping of the register of the holders of any shares, securities or investments now transferred to and vesting in the Iron and Steel Company to forthwith register the name of the Iron and Steel Company therein, and to issue to the Iron and Steel Company the appropriate documents of title relating to the shares, securities or investments transferred to and vesting in it.

15. Repeal of Ordinance VIII of 1952—The Iron and Steel Companies Amalgamation Ordinance, 1952 (VIII of 1952), is hereby repealed.

The Appropriation (No 3) Act, 1952.

The following Act of Parliament received the assent of the President on the 29th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 31st December 1952.

Act No. LXXX of 1952.

[29th December, 1952]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53.

Enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (No. 3) Act, 1952.

2. Issue of Rs. 10,36,10,000 out of the Consolidated Fund of India for the year 1952-53.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ten crores, thirty-six lakhs and ten thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1952-53 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
5	Ministry of Communications ...	83,000	..	83,000
23	External Affairs ...	23,16,000	...	23,16,000
23:A	Chandernagore ...	21,86,000	...	21,86,000
30	Stamp ...	15,50,000	...	15,50,000
32	Audit ...	4,72,000	...	4,72,000
40	Prepartition Payments ...	98,30,000	...	98,30,000
48	Civil Veterinary Services ...	1,13,000	...	1,13,000
49	Miscellaneous Expenditure under the Ministry of Food and Agriculture ...	4,55,35,000	...	4,55,35,000
58	Census ...	5,00,000	...	5,00,000
70	Ministry of Natural Resources and Scientific Research ...	1,54,000	...	1,54,000
78	Ministry of Rehabilitation ...	65,000	...	65,000
79	Expenditure on Displaced Persons ...	1,22,70,000	...	1,22,70,000
83	Kutch ...	12,29,000	...	12,29,000
84	Bilaspur ...	5,48,000	...	5,48,000
85	Manipur ...	4,81,000	...	4,81,000
86	Tripura ...	10,44,000	...	10,44,000
87	Relation with States ...	4,63,000	...	4,63,000
88	Miscellaneous Expenditure under the Ministry of States ...	11,62,000	...	11,62,000
95	Ministry of Works, Produc- tion and Supply ...	1,95,000	...	1,95,000
100	Stationery and Printing ...	47,00,000	...	47,00,000
101	Miscellaneous Departments and Expenditure under the Ministry of Works, Produc- tion and Supply ...	50,00,000	...	50,00,000
	Charged — Staff, Household and Allowances of the President ...	...	20,000	20,000
118	Other Capital Outlay of the Ministry of Food and Agri- culture ...	1,36,93,000	...	1,36,93,000
132	Other Capital Outlay of the Ministry of Works, Produc- tion and Supply ...	1,000	...	1,000
	TOTAL ...	10,35,90,000	20,000	10,36,10,000

The West Bengal Evacuee Property (Tripura Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 26th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 29th December, 1952.

Act No. LXXV of 1952

[26th December, 1952]

An Act further to amend the West Bengal Evacuee Property Act, 1951, as extended to Tripura.

BE it enacted by Parliament as follows :—

1. *Short title*—This Act may be called the West Bengal Evacuee Property (Tripura Amendment) Act, 1952.

2. *Amendment of section 2, West Bengal Act V of 1951, as extended to Tripura.*—In clause (b) of section 2 of the West Bengal Evacuee Property Act, 1951, as extended to the State of Tripura by the notification of the Government of India in the Ministry of States, No. 101-R. C., dated the 9th May, 1951 (hereinafter referred to as the principal Act), for the words and figures “the 15th day of June” the words and figure “the 9th day of July” shall be substituted and shall be deemed always to have been substituted.

3. *Insertion of new section 5A in West Bengal Act V of 1951, as extended to Tripura.*—After section 5 of the principal Act, the following section shall be inserted, namely :—

“5A. *Special provision in respect of bargadars.*—(1) Where an evacuee who, as a bargadar, was in actual possession of any agricultural land on or after the 15th day of August, 1947, has returned to Tripura before the appointed day and has, before the 6th day of November, 1952, made an application in writing to the Collector for being restored to the possession of that land as a bargadar, then, notwithstanding anything contained in any other law for the time being in force or any contract to the contrary, the applicant shall be, and shall be deemed to have been, entitled to be restored to actual possession of that land as a bargadar, at the beginning of the next crop season which would be available after the application, on the same terms and conditions, as far as may be, as were applicable to him as such bargadar when he left Tripura.

(2) On any such application as is referred to in sub-section (1), the Collector shall, after making such summary inquiry as he thinks fit and if satisfied that the applicant should be restored to the possession of any agricultural land as a bargadar, place the applicant or empower any officer subordinate to him to place the applicant in the possession of that land on the same terms and conditions, as far as may be, as were applicable to him when he left Tripura, and for such purpose, the Collector or the officer, as the case may be, may use or cause to be used such force as may be necessary.

Explanation.—For the purpose of this section, a ‘bargadar’ means a person who, under the system generally known as *adhi*, *barga* or *bhag*, cultivates the land of another person on condition of delivering a share or quantity of the produce of such land to that person.”

4. *Repeal.*—(1) The West Bengal Evacuee Property (Tripura Amendment) Ordinance, 1952 (VI of 1952), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

The Influx from Pakistan (Control) Repealing Act, 1952.

The following Act of Parliament received the assent of the President on the 26th December, 1952 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 29th December, 1952.

Act No. LXXVI of 1952

[26th December, 1952]

An Act to provide for the repeal of the Influx from Pakistan (Control) Act, 1949.

Enacted by Parliament as follows :—

1. *Short title*.—This Act may be called the Influx from Pakistan (Control) Repealing Act, 1952.

2. *Repeal of Act XXIII of 1949 and Ordinance VII of 1952*.—The Influx from Pakistan (Control) Act, 1949, and the Influx from Pakistan (Control) Repealing Ordinance, 1952, are hereby repealed.

3. *Savings*.—(1) The repeal of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), shall not affect the continuance in force, according to its tenor, of any permit which is intended to continue in force beyond the 15th day of October, 1952, and any person who commits a breach of any of the conditions of the permit or against whom a reasonable suspicion exists that he has committed such breach, may be prosecuted, punished or proceeded against under section 5 or section 7 of the Act hereby repealed as if the said section had continued in force.

(2) For the removal of doubts it is hereby declared that the provisions contained in sub-section (1) shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897 (X of 1897).

The Delimitation Commission Act, 1952.

The following Act of Parliament received the assent of the President on the 7th January, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 7th January 1953.

Act No. LXXXI of 1952.

[7th January, 1953]

An Act to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and the delimitation of those constituencies and for matters connected therewith.

Enacted by Parliament as follows :—

1. *Short title*.—This Act may be called the Delimitation Commission Act, 1952.

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(a) “article” means an article of the Constitution ;

(b) “associate member” means a member nominated under section 5 ;

(c) “Commission” means the Delimitation Commission constituted under section 3 ;

(d) “latest census figures” mean the census figures as ascertained at the census held in 1951 ;

(e) “member” means a member of the Commission and includes the Chairman.

3. *Constitution of Delimitation Commission*.—(1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows :—

(a) two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government, and

(b) the Chief Election Commissioner, *ex-officio*.

(2) The Central Government shall nominate one of the members appointed under clause (a) of sub-section (1) to be the Chairman of the Commission.

4. *Duties of the Commission.*—It shall be the duty of the Commission to readjust the representation of the several territorial constituencies in the House of the People and of the several territorial constituencies in the Legislative Assembly of each State other than Jammu and Kashmir, on the basis of the latest census figures and to delimit the said constituencies.

5. *Associate members.*—(1) For the purpose of assisting the Commission in the readjustment of the representation and in the delimitation of the territorial constituencies, both for the House of the People and the Legislative Assembly, if any, in each State other than the State of Jammu and Kashmir and the State of Bilaspur, the Commission shall associate with itself from that State, if its population according to the latest census figures—

(a) is not less than seventy-five lakhs, seven persons, three of whom shall be members of the House of the People representing that State and four shall be members of the Legislative Assembly of that State ;

(b) is less than seventy-five lakhs, but not less than twenty lakhs, five persons, two of whom shall be members of the House of the People representing that State and three shall be members of the Legislative Assembly of that State ;

(c) is less than twenty lakhs and the State has a Legislative Assembly, three persons, one of whom shall be a member of the House of the People representing that State and two shall be members of the Legislative Assembly of that State ; and

(d) is less than twenty lakhs and the State has no Legislative Assembly, two persons who shall be the members of the House of the People representing that State.

(2) The persons to be so associated from each State shall be nominated, in the case of members of the House of the People, by the Speaker of that House, and in the case of members of a Legislative Assembly, by the Speaker of that Assembly, having due regard to the composition of the House, or as the case may be, of the Assembly.

(3) The first nominations to be made under sub-section (2)—

(a) shall be made by the Speakers of the several Legislative Assemblies within one month, and by the Speaker of the House of the People within two months, of the commencement of this Act, and

(b) shall be communicated to the Chief Election Commissioner, and where the nominations are made by the Speaker of a Legislative Assembly, also to the Speaker of the House of the People.

(5) None of the associate members shall have a right to vote or to sign any decision of the Commission.

6. *Casual vacancies.*—If owing to death or resignation the office of the Chairman or of a member or of an associate member falls vacant, it shall be filled as soon as may be practicable by the Central Government or the Speaker concerned under and in accordance with the provisions of section 3 or, as the case may be, of section 5.

7. *Procedure and Powers of the Commission.*—(1) The Commission shall determine its procedure and shall in the performance of its functions have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), while trying a suit, in respect of the following matters, namely :

- (a) summoning and enforcing the attendance of witnesses ;
- (b) requiring the production of any document ; and
- (c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

(5) The Commission as well as any group of associate members shall have power to act notwithstanding the temporary absence of a member or associate member or the existence of a vacancy in the Commission or in that or any other group of associate members ; and no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(6) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

8. *Manner of making readjustment and delimitation.*—(1) The Commission shall, in the manner herein provided, first determine on the basis of the latest census figures—

(a) the number of seats to be allotted to each of the States in the House of the People and the number of seats, if any, to be reserved for the scheduled castes and for the scheduled tribes of the State, and in doing so, shall have regard to the provisions of article 81 and article 330 ; and

(b) the number of seats to be assigned to the Legislative Assembly of each Part A State and of each Part B State other than Jammu and Kashmir, and the number of seats, if any, to be reserved therein for the scheduled castes and the scheduled tribes of the State, and in doing so, shall have regard to the provisions of article 170 and article 332, and shall also ensure that the total number of seats assigned to the Legislative Assembly of a State forms an integral multiple of the total number of seats allotted to that State in the House of the People;

Provided that no reduction shall be made in the number of seats in the House of the People at present allotted to any Part C State which has no Legislative Assembly.

(2) The Commission shall, in the manner herein provided, then distribute the seats allotted to each of the States other than Jammu and Kashmir in the House of the People, the seats assigned to the Legislative Assembly of each Part A State and of each Part B State other than Jammu and Kashmir, and the seats allotted to the Legislative Assemblies of certain Part C States under section 3 of the Government of Part C States

Act, 1951 (XLIX of 1951), to territorial constituencies and delimit them in accordance with the provisions of the Constitution and of the said section 3 on the basis of the latest census figures and in doing so, the Commission shall have regard to the following provisions, namely :—

(a) all constituencies shall be either single-member constituencies or two-member constituencies ;

(b) wherever practicable, seats may be reserved for the scheduled castes or for the scheduled tribes in single-member constituencies ;

(c) in every two-member constituency, one seat shall be reserved either for the scheduled castes or for the scheduled tribes, and the other seat shall not be so reserved ;

(d) constituencies in which a seat is reserved either for the scheduled castes or for the scheduled tribes shall, as far as practicable, be located in areas in which the population of the scheduled castes or, as the case may be, of the scheduled tribes is most concentrated but in regard to scheduled castes care should be taken to distribute the reserved seats in different areas of the State ; and

(e) all constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience :

Provided that the Commission may, if it finds it necessary so to do, continue either or both of the existing three member constituencies, whether with or without alterations in their boundaries, reserving therein one seat for the scheduled castes and another seat for the scheduled tribes.

(3) First in respect of the determination of numbers under sub-section (1), and then again in respect of the distribution of seats and delimitation of constituencies under sub-section (2), the Commission shall —

(a) publish its proposals, together with the dissenting proposals, if any, of an associate member who desires publication thereof, in the Gazette of India and Official Gazettes of all the States concerned and also in such other manner as it thinks fit ;

(b) specify a date on or after which the proposals will be further considered by it ;

(c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places as it thinks fit ; and

(d) thereafter, determine the matters referred to in sub-section (1) or, as the case may be, in sub-section (2) by one or more final orders.

9. Readjustment of representation and the date of operation of such readjustment.—(1) The Commission shall cause each of its final orders to be published in the Gazette of India ; and upon such publication, the order shall have the full force of law and shall not be called in question in any court.

(2) As soon as may be after such publication, every such order shall be laid before the House of the People

(3) Subject to the provisions of sub-section (4), the readjustment of the representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in any such order shall apply in relation to every election to the House of the People or to the Legislative Assembly of such State, as the case may be, held after the publication in the Gazette of India of that order, and shall so apply in supersession of

the provisions relating to such representation contained in the Representation of the People Act, 1950 (XLIII of 1950), the Government of Part C States Act, 1951 (XLIX of 1951), and the orders made under either of the said Acts.

(4) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or the Assembly, as the case may be, existing on the date of publication in the Gazette of India of the order made by the Commission under sub-section (1) relating to the readjustment of such representation.

10. *Amendment of orders of the Commission.*—At any time within six months of the date of publication in the Gazette of India of any order of the Commission under sub-section (1) of section 9, any clerical or arithmetical mistake in the order and any error arising therein from an accidental slip or omission may be corrected by the Chief Election Commissioner by order made with the previous approval of the other members of the Commission or of such of them as may be then available and published in the Gazette of India.

The Appropriation Act, 1953.

The following Act of Parliament received the assent of the President on the 5th March, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 6th March 1953.

No. 1 of 1953.

[5th March, 1953]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53.

BE it enacted by Parliament as follows :—

1. *Short title*—This Act may be called the Appropriation Act, 1953.

2. *Issue of Rs. 46,69,50,000 out of the Consolidated Fund of India for the year 1952-53.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of forty-six crores, sixty-nine lakhs and fifty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1952-53, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and Purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry	1,92,000	...	1,92,000
2	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry.	1,46,000	...	1,46,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parlia- ment	Charged on the Consol- dated Fund	Total
		Rs.	Rs.	Rs.
6	Indian Posts and Telegraphs Department (including working expenses).	...	8,60,000	8,60,000
9	Aviation ...	...	10,000	10,000
10	Miscellaneous expenditure under the Ministry of Communications.	26,000	...	26,000
31	Payments to other Governments, Departments, etc., on account of the administration of Agency subjects and management of Treasuries.	51,000	...	51,000
33	Currency ...	...	50,000	50,000
36	Superannuation Allowances and Pensions.	14,00,000	...	14,00,000
38	Grants-in-aid to States ...	...	5,65,00,000	5,65,00,000
39	Miscellaneous Adjustments between the Union and State Governments.	37,000	...	37,000
49	Miscellaneous expenditure under the Ministry of Food and Agriculture.	6,11,00,000	...	6,11,00,000
53	Miscellaneous Expenditure under the Ministry of Health.	13,84,000	...	13,84,000
57	Police ...	9,94,000	...	9,94,000
60	Andaman and Nicobar Islands	2,40,000	...	2,40,000
69	Administration of Justice ...	57,000	...	57,000
70	Ministry of Natural Resources and Scientific Research.	35,000	...	35,000
79	Expenditure on Displaced Persons.	1,06,57,000	...	1,06,57,000
87	Relations with States ...	2,34,000	...	2,34,000
88	Miscellaneous Expenditure under the Ministry of States	9,30,000	...	9,30,000
91	Lighthouses and Lightships	4,99,000	...	4,99,000
96	Supplies ...	69,86,000	...	69,86,000
97	Salt ...	2,00,000	...	2,00,000
103-A	Secretariat of the Vice-President.	28,000	...	28,000
	CHARGED—Union Public Service Commission.	1,92,000	...	1,92,000
105	Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue).	1,00,00,000	...	1,00,00,000

1 No. of Vote	2 Services and Purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
112	Commuted Value of Pensions	10,77,000	...	10,77,000
114	Other Capital Outlay of the Ministry of Finance.	16,57,36,000	...	16,57,36,000
115	Loans and Advances by the Central Government.	...	13,28,00,000	13,28,00,000
123	Capital Outlay on Multipur- pose River Schemes.	1,08,30,000	...	1,08,30,000
124	Other Capital Outlay of the Ministry of Natural Resour- ces and Scientific Research.	82,000	...	82,000
126	Capital Outlay of the Minis- try of States.	36,17,000	...	36,17,000
TOTAL		27,65,38,000	19,01,20,00	26,69,50,000

The Indian Tariff (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 16th March, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 17th March 1953.

Act No. 2 of 1953.

[16th March, 1953.]

An Act further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Tariff (Amendment) Act, 1953.

2. *Amendment of section 3A, Act XXXII of 1934.*—In section 3A of the Indian Tariff Act, 1934 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the words, figures, letters and brackets “the Tariff Board set up under the Resolution of the Government of India in the Department of Commerce No. 218-T(55)/45, dated the 3rd November, 1945” the words, figures, letter and brackets “the Tariff Commission established under the Tariff Commission Act, 1951 (L of 1951)” shall be substituted ;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) Where a notification has been issued under sub-section (1), there shall, unless the notification is in the meantime rescinded, be introduced in Parliament, as soon as may be, but in any case during the next session of Parliament following the date of the issue of the notification, a Bill on behalf of the Central Government to give effect to the proposals in regard to the continuance of a protective duty of customs on the goods to which the notification relates, and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder :

Provided that if the notification under sub-section (1) is issued when Parliament is in session, such a Bill shall be introduced in Parliament during that session :

Provided further that where for any reason a Bill as aforesaid does not become law within six months from the date of its introduction in Parliament, the notification shall cease to have effect on the expiration of the said period of six months.”;

(c) sub-section (4) shall be omitted.

3. *Amendment of the First Schedule, Act XXXII of 1934.*—In the First Schedule to the principal Act.—

(i) after Item No. 72(34), the following Items be inserted, namely :—

“72(35)	Ball bearings of all kinds not exceeding 2” bore diameter adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters— (a) of British manufacture. (b) not of British manufacture.	Protective Protective	91 1/2 per cent <i>ad valorem</i> . Preferential rate of duty actually charged for the time being for such products of United Kingdom origin <i>plus</i> three per cent. <i>ad valorem</i>.	... ...	... ...	December 31st 1954. December 31st, 1954.
72(36)	Ball bearings of all kinds not exceeding 2” bore diameter not otherwise specified.	Protective	94 1/2 per cent. <i>ad valorem</i>	...	...	December 31st, 1954.
72(37)	Adapter bearings not exceeding 2” bore diameter which are specially designed for use exclusively with power driven machinery.	Protective	10 per cent. <i>ad valorem</i> .	...	...	December 31st, 1954.
72(38)	Ball and roller bearings for use with shaftings of more than 2” bore diameter and adapter bearings not otherwise specified, which are specially designed for use exclusively with power driven machinery	Revenue	10 per cent. <i>ad valorem</i> .	...	...	...”

(ii) in Item No. 75(10) (v), in the entry in the second column, the words and figures “ball bearings up to 2” bore” shall be omitted.

The Union Duties of Excise (Distribution) Act, 1953.

The following Act of Parliament received the assent of the President on the 18th March, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 19th March 1953.

Act No. 3 of 1953

[18th March, 1953]

An Act to provide for the distribution of a part of the net proceeds of certain Union duties of excise among the States.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Union Duties of Excise (Distribution) Act, 1953.

2. *Definition.*—In this Act, the expression “Distributable Union duties of excise” means forty per cent. of the net proceeds of the duties of excise levied and collected under the Central Excises and Salt Act, 1944 (I of 1944) on matches, tobacco and vegetable product as defined in Items Nos. 2, 9, and 11 respectively of the First Schedule to that Act.

3. *Distribution of a part of the Union duties of excise among the States.*—During each financial year commencing on and after the first day of April, 1952, there shall be paid out of the Consolidated Fund of India to each of the States specified in column 1 of the Table below such percentage of the distributable Union duties of excise as is set out against it in column 2 :

Provided that if any Part B State is entitled to receive in any financial year any grant of financial assistance by the Government of India by virtue of an agreement under clause (1) of article 278 of the Constitution, the State shall be entitled either to the amount of the said grant or to the total amount falling to its share out of the net proceeds of the distributable Union duties of excise under this Act and the net proceeds of the taxes on income under article 270 of the Constitution, whichever is greater.

TABLE

1 State	2 Percentage
Assam	2.61
Bihar	11.60
Bombay	10.37
Hyderabad	5.39
Madhya Bharat	2.29
Madhya Pradesh	6.13
Madras	16.44
Mysore	2.62
Orissa	4.22
Patiala & East Punjab States Union	1.00
Punjab	3.66
Rajasthan	4.41
Saurashtra	1.19
Travancore-Cochin	2.68
Uttar Pradesh	18.23
West Bengal	7.16

4. *Expenditure to be charged on the Consolidated Fund of India.*—Any Expenditure under the provisions of this Act shall be expenditure charged on the Consolidated Fund of India.

5. *Power to make rules*—The Central Government may, by notification in the Official Gazette, make rules providing for the time at which and the manner in which any payments under this Act are to be made, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters.

The Appropriation (Vote on Account) Act, 1953.

The following Act of Parliament received the assent of the President on the 19th March, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 20th March 1953.

Act No 4 of 1953

[19th March, 1953]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1953-54.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (Vote on Account) Act, 1953.

2. *Withdrawal of Rs. 2,47,30,17,000 from and out of the Consolidated Fund of India for the financial year 1953-54.*—From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and forty-seven crores, thirty lakhs and seventeen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1953-54.

3. *Appropriation.*—The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry ...	6,02,000	...	6,02,000
2	Industries ...	99,18,000	...	99,18,000
3	Commercial Intelligence and Statistics ...	4,36,000	...	4,36,000
4	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry ...	3,35,000	...	3,35,000
5	Ministry of Communications ...	1,01,000	...	1,01,000
6	Indian Posts and Telegraphs Department (including Working Expenses) ...	3,66,69,000	13,73,000	3,80,42,000
7	Meteorology ...	9,08,000	...	9,08,000
8	Overseas Communications Service ...	7,58,000	34,000	7,92,000
9	Aviation ...	24,61,000	...	24,61,000
10	Miscellaneous Departments and Expenditure under the Ministry of Communications ...	69,000	...	69,000
11	Ministry of Defence ...	2,18,000	...	2,18,000
12	Defence Services—Effective Army ...	13,64,25,000	...	13,64,25,000
13	Defence Services—Effective Navy ...	94,32,000	...	94,32,000
14	Defence Services—Effective Air Force ...	2,14,94,000	...	2,14,94,000
15	Defence Services—Non-Effective Charges ...	1,30,57,000	1,000	1,30,58,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
16	Miscellaneous Expenditure under the Ministry of Defence .	42,000	..	42,000
17	Ministry of Education ...	2,76,000	...	2,76,000
18	Archæology ...	3,69,000	...	3,69,000
19	Other Scientific Departments.	15,99,000	...	15,99,000
20	Education ...	40,67,000	...	40,67,000
21	Miscellaneous Departments and Expenditure under the Ministry of Education ...	2,52,000	...	2,52,000
22	Tribal Areas ...	31,54,000	...	31,54,000
23	External Affairs ...	46,93,000	...	46,93,000
24	Chandernagore ...	1,94,000	...	1,94,000
25	Miscellaneous Expenditure under the Ministry of External Affairs ...	32,000	..	32,000
26	Ministry of Finance ...	12,03,000	...	12,03,000
27	Customs ...	28,12,000	..	28,12,000
28	Union Excise Duties ...	45,36,000	1,37,40,000	1,82,76,000
29	Taxes on Income including Corporation Tax ...	28,40,000	...	28,40,000
30	Opium ...	2,56,13,000	..	2,56,13,000
31	Stamps ...	9,96,000	48,000	10,44,000
32	Payments to Other Governments, Departments, etc. ...	92,000	...	92,000
33	Audit ...	58,99,000	1,24,000	60,23,000
34	Currency ...	13,70,000	30,000	14,00,000
35	Mint ...	8,02,000	...	8,02,000
36	Territorial and Political Pensions ...	1,90,000	...	1,90,000
37	Superannuation Allowances and Pensions ...	55,24,000	1,47,000	56,71,000
38	Miscellaneous Departments and Expenditure under the Ministry of Finance ...	16,71,000	...	16,71,000
39	Grants-in-aid to States ...	3,57,47,000	3,01,25,000	6,58,72,000
40	Miscellaneous adjustments between the Union and State Governments ...	15,000	...	15,000
41	Extra-ordinary payments ...	1,91,01,000	...	1,91,01,000
42	Pre-partition payments ..	16,20,000	5,000	16,25,000
	Charged — Interest on Debt and other obligations and reduction or avoidance of Debt ...	...	6,65,93,000	6,65,93,000
43	Ministry of Food and Agriculture ...	3,90,000	...	3,90,000
44	Forest ...	2,80,000	...	2,80,000
45	Agriculture ...	30,69,000	...	30,69,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
46	Civil Veterinary Services ..	3,08,000	...	3,08,000
47	Miscellaneous Departments and Expenditure under the Ministry of Food and Agriculture ...	6,11,000	...	6,11,000
48	Ministry of Health ...	53,000	...	53,000
49	Medical Services ...	8,95,000	...	8,95,000
50	Public Health ...	9,59,000	...	9,59,000
51	Miscellaneous Expenditure under the Ministry of Health ...	6,36,000	...	6,36,000
52	Ministry of Home Affairs ...	10,68,000	...	10,68,000
53	Cabinet ...	1,99,000	...	1,99,000
54	Delhi ...	12,60,000	...	12,60,000
55	Police ...	5,76,000	...	5,76,000
56	Census ...	87,000	...	87,000
57	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs ...	92,000	...	92,000
58	Andaman and Nicobar Islands	14,66,000	...	14,66,000
59	Ministry of Information and Broadcasting ..	8,55,000	...	8,55,000
60	Broadcasting ..	19,06,000	...	19,06,000
61	Ministry of Irrigation and Power ...	66,000	...	66,000
62	Irrigation, etc. ...	2,000	...	2,000
63	Multipurpose River Schemes	3,80,000	...	3,80,000
64	Miscellaneous Departments and Expenditure under the Ministry of Irrigation and Power ...	3,37,000	...	3,37,000
65	Ministry of Labour ...	2,44,000	...	2,44,000
66	Chief Inspector of Mines ...	74,000	...	74,000
67	Miscellaneous Departments and Expenditure under the Ministry of Labour ...	26,49,000	...	26,49,000
68	Employment Exchanges and Resettlement ...	11,32,000	...	11,32,000
69	Civil Defence ...	10,000	...	10,000
70	Ministry of Law ...	14,62,000	...	14,62,000
71	Administration of Justice ...	16,000	73,000	89,000
72	Ministry of Natural Resources and Scientific Research ...	60,000	...	60,000
73	Survey of India ...	8,69,000	...	8,69,000
74	Botanical Survey ...	22,000	...	22,000
75	Zoological Survey ...	36,000	...	36,000
76	Geological Survey ...	4,28,000	...	4,28,000
77	Mines ...	1,79,000	...	1,79,000
78	Scientific Research ...	26,35,000	...	26,35,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
79	Miscellaneous Departments and Expenditure under the Ministry of Natural Resources and Scientific Research ...	1,000	...	1,000
80	Department of Parliamentary Affairs ...	10,000	...	10,000
81	Ministry of Production ...	62,000	...	62,000
82	Salt ...	10,49,000	25,000	10,74,000
83	Other Organisations under the Ministry of Production ...	9,83,000	...	9,83,000
84	Miscellaneous Departments and Expenditure under the Ministry of Production ...	15,36,000	...	15,36,000
85	Ministry of Rehabilitation ...	1,65,000	...	1,65,000
86	Expenditure on Displaced Persons ...	1,05,63,000	...	1,05,63,000
87	Miscellaneous Expenditure under the Ministry of Rehabilitation ...	3,000	...	3,000
88	Ministry of States ...	97,000	...	97,000
89	Privy purses and allowances of Indian Rulers ...	64,000	1,34,57,000	1,35,21,000
90	Kutch ...	9,26,000	...	9,26,000
91	Bilaspur ...	2,13,000	...	2,13,000
92	Manipur ...	5,29,000	...	5,29,000
93	Tripura ...	10,11,000	...	10,11,000
94	Relations with States ...	5,18,000	...	5,18,000
95	Miscellaneous expenditure under the Ministry of States ...	4,97,000	...	4,97,000
96	Ministry of Transport ...	2,59,000	...	2,59,000
97	Ports and Pilotage ...	5,20,000	...	5,20,000
98	Lighthouses and Lightships ...	6,64,000	...	6,64,000
99	Central Road Fund ...	40,94,000	...	40,94,000
100	Communications (including National Highways) ...	39,37,000	...	39,37,000
101	Miscellaneous Expenditure under the Ministry of Transport ...	36,000	...	36,000
102	Ministry of Works, Housing and Supply ...	1,82,000	...	1,82,000
103	Supplies ...	22,97,000	...	22,97,000
104	Other Civil Works ...	1,23,11,000	1,75,000	1,24,86,000
105	Stationery and Printing ...	41,12,000	...	41,12,000
106	Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply ...	3,87,000	...	3,87,000

20(2)	Vegetables, canned or bottled, the following, namely :— tomatoes, potatoes, onions and cauliflower.	Preferential Revenue.	65 per cent. <i>ad valorem.</i>	.....	55 per cent. <i>ad valorem.</i>
20(3)	Fruits, canned or bottled or otherwise packed, not otherwise specified :— (a) manufactured in a British colony. (b) not manufactured in a British colony.	Protective .. Protective ..	55 per cent. <i>ad valorem.</i> 65 per cent. <i>ad valorem.</i>	..... .....	December 31st, 1953. December 31st, 1953.
21	Canned or bottled provisions not otherwise specified.	Revenue ..	68 2/3 per cent. <i>ad valorem.</i>	.....	.....
28(14)	Toilet requisites not otherwise specified.	Revenue ..	66 2/3 per cent. <i>ad valorem.</i>	.....	.....
28(26)	Penicillin in bulk	Preferential Revenue.	20 per cent. <i>ad valorem.</i>	14 per cent. <i>ad valorem.</i>	14 per cent. <i>ad valorem.</i>
28(26A)	Penicillin and its products not otherwise specified.	Preferential Revenue.	30 per cent. <i>ad valorem.</i>	24 per cent. <i>ad valorem.</i>	24 per cent. <i>ad valorem.</i>
28(27)	Antibiotics such as Streptomycin, gramicidin, tyrocidine and tyrothricin.	Preferential Revenue.	20 per cent. <i>ad valorem.</i>	14 per cent. <i>ad valorem.</i>	14 per cent. <i>ad valorem.</i>
28(28)	Sulpha drugs and vitamin preparations other than fish-liver oil.	Preferential Revenue.	20 per cent. <i>ad valorem.</i>	14 per cent. <i>ad valorem.</i>	14 per cent. <i>ad valorem.</i>
30(7)	Lead pencils	Protective ..	8 annas per dozen or 66 2/3 per cent. <i>ad valorem,</i> whichever is higher.	.....	December 31st, 1953.
31(5)	Perfumery, not otherwise specified.	Revenue	66 2/3 per cent. <i>ad valorem.</i>	.....	.....
44(7)	Newspapers, old packed in bales, bags or otherwise.	Revenue ..	66 2/3 per cent. <i>ad valorem.</i>	.....	.....

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of			Duration of protective rates of duty
				The United Kingdom	A British Colony		
45(4)	Coloured and copying pencils	Protective...	66 2/3 per cent. <i>ad valorem</i>.	.....	.....		December 31st, 1953.
45(5)	Fountain pen ink	Protective ..	66 2/3 per cent. <i>ad valorem</i>.	.....	.....		December 31st, 1953.
48(1)	Fabrics, not otherwise specified, containing more than 90 per cent. of artificial silk— (a) of British manufacture	Protective...	80 per cent. <i>ad valorem</i> , or 7 annas per square yard, whichever is higher.	.....	.....		• December 31st, 1953.
	(b) not of British manufacture	Protective...	100 per cent. <i>ad valorem</i> or 14 annas per square yard whichever is higher.	.....	.....		December 31st, 1953.
48(3)	Cotton fabrics not otherwise specified, containing more than 90 per cent. of cotton— (a) Grey piecegoods (excluding bordered grey chadars, dhuties, saris and scarves)— (i) of British manufacture	Revenue ...	65 per cent. <i>ad valorem</i>	.....	.....		

(ii) not of British manufacture. (b) Printed piecegoods and printed fabrics—	Revenue ...	100 per cent. <i>ad valorem</i>.	.....	.....	.....
	(i) of British manufacture	Revenue ...	60 per cent. <i>ad valorem</i>.	.....	.....
	(ii) not of British manufacture.	Revenue ...	100 per cent. <i>ad valorem</i>.	.....	.....
	(c) Cotton piecegoods and fabrics not otherwise specified—	Revenue ...	60 per cent. <i>ad valorem</i>.	.....	.....
	(i) of British manufacture	Revenue ...	100 per cent. <i>ad valorem</i>.	.....	.....
	(ii) not of British manufacture.	Revenue ...	100 per cent. <i>ad valorem</i>.	.....	.....
48(4)	Fabrics, not otherwise specified, containing more than 10 per cent. and not more than 90 per cent. silk—	Protective ...	100 per cent. <i>ad valorem</i>	.....	December 31st, 1953.
	(a) containing more than 50 per cent. silk or artificial silk or both.		plus Rs. 3 per lb.	.....	December 31st, 1953.
	(b) containing not more than 50 per cent. silk or artificial silk or both :—		100 per cent. <i>ad valorem</i> or	.....	December 31st, 1953.
	(i) containing more than 10 per cent. artificial silk		Rs. 3 per lb. whichever is higher.	.....	December 31st, 1953.
48(5)	(ii) containing no artificial silk or not more than 10 per cent. artificial silk.	Protective ...	100 per cent. <i>ad valorem</i>.	.....	December 31st, 1953.
	Fabrics, not otherwise specified, containing no silk or containing not more than 10 per cent. silk but more than 10 per cent. and not more than 90 per cent. artificial silk—				
	(a) containing 50 per cent. or more cotton				

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rate of duty
				The United Kingdom	A British Colony	
(i) of British manufacture		Protective...	80 per cent. <i>ad valorem</i> or 5½ annas per square yard, whichever is higher.	.....	.....	December 31st, 1953.
(ii) not of British manufacture		Protective...	100 per cent. <i>ad valorem</i> or 11 annas per square yard, whichever is higher.	.....	.....	December 31st, 1953.
(b) containing no cotton or containing less than 50 per cent. cotton —	(i) of British manufacture	Protective...	80 per cent. <i>ad valorem</i> or 7 annas per square yard, whichever is higher.	.....	.....	December 51st, 1953.
(ii) not of British manufacture		Protective...	100 per cent. <i>ad valorem</i> or 14 annas per square yard, whichever is higher.	.....	.....	December 31st, 1953.
				.....	.....	December 31st, 1953.

					December 31st, 1953.
48(7)	Fabrics, not otherwise specified, containing not more than 10 per cent. silk or 10 per cent. artificial silk or 10 per cent. wool, but containing more than 50 per cent. cotton and not more than 90 per cent. cotton— (a) of British manufacture (b) not of British manufacture	Protective Protective Revenue	70 per cent. <i>ad valorem.</i> 100 per cent. <i>ad valorem.</i> 100 per cent. <i>ad valorem.</i>	---	---
48(8)	Fabrics, not otherwise specified, containing not more than 10 per cent. silk or 10 per cent. artificial silk or 10 per cent. wool or 50 per cent. cotton. The following cotton fabrics, namely, Sateens including Italians of Sateen weave, velvets and velveteens and embroidered all-overs— (a) printed fabrics— (i) of British manufacture (ii) not of British manufacture	Revenue Revenue	80 per cent. <i>ad valorem.</i> 100 per cent. <i>ad valorem.</i>	---	---
48(9)	(b) Other fabrics— (i) of British manufacture (ii) not of British manufacture	Revenue Revenue	75 per cent. <i>ad valorem.</i> 100 per cent. <i>ad valorem.</i> 100 per cent. <i>ad valorem.</i>	---	---
48(10)	Fabrics containing gold or silver thread.	Revenue	100 per cent. <i>ad valorem.</i>	---	---
49(1)	Fents, being <i>bosa fide</i> remnants of piecegoods or other fabrics—				

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
	(a) of materials liable to duty under Item 48(3), not exceeding 4 yards in length.	Preferential revenue.	75 per cent. <i>ad valorem.</i>	65 per cent. <i>ad valorem.</i>	...	
	(b) of materials liable to duty under Item 48, 48(1), 48(4) or 48(5), not exceeding 2½ yards in length.	Preferential revenue.	75 per cent. <i>ad valorem.</i>	65 per cent. <i>ad valorem.</i>	...	
	(c) or other materials not exceeding 4 yards in length.	Preferential revenue.	75 per cent. <i>ad valorem.</i>	65 per cent. <i>ad valorem.</i>	...	
51.	Socks and stockings made wholly or mainly from silk or artificial silk.	Revenue	100 per cent. <i>ad valorem.</i>	...	...	
52	Apparel, hosiery, haberdashery, millinery and drapery, not otherwise specified.	Revenue	66½ per cent. <i>ad valorem.</i>	...	...	
54	Boots and shoes	Revenue	100 per cent. <i>ad valorem</i> or Rs. 1/8/- per pair, whichever is higher.	...	...	
56	Parasoles and, Sunshades and fittings for umbrellas, parasols and sun-shades.	Revenue	100 per cent. <i>ad valorem.</i>	...	...	
56(1)	Umbrellas	Revenue	100 per cent. <i>ad valorem</i> or Rs. 2 each, whichever is higher.	...	...	
59(2)	Earthenware, china and porcelain, all sorts not otherwise specified.	Revenue	66½ per cent. <i>ad valorem.</i>	...	...	

59(3)	Earthenware, pipes and sanitary ware.	Revenue	66 2/3 per cent. <i>ad valorem.</i>	...	...
59(4)	Tiles of earthenware and porcelain.	Revenue	66 2/3 per cent. <i>ad valorem</i> or 8 annas per square foot, whichever is higher.	...	...
59(5)	Domestic earthenware, china and porcelain, namely tea cups, coffee cups, sauces, tea pots, sugar bowls, jugs and plates of all kinds and sizes.	Revenue	66 2/3 per cent. <i>ad valorem.</i>	...	...
60	Glass and glassware, not otherwise specified	Revenue	66 2/3 per cent. <i>ad valorem.</i>	...	...
61	Precious stones, unset and imported uncut, not otherwise specified, and pearls unset.	Revenue	20 per cent. <i>ad valorem.</i>	...	...
61(a)	Emeralds, unset and imported uncut.	...	Free.	...	...
76(1)	Motor cars, including taxicabs impor- ted completely assembled.	Preferential Revenue.	75 per cent. <i>ad valorem.</i>	72 per cent. <i>ad valorem.</i>	...
77(2)	Scientific and surgical instruments, apparatus and appliances.	Revenue	25 per cent. <i>ad valorem.</i>	...	...
83	Brushes, all sorts	Revenue ...	66 2/3 per cent. <i>ad valorem.</i>	...	...
85	Buttons, studs and cuff links— (a) made of metals other than gold or silver.	Protective	66 2/3 per cent. <i>ad valorem.</i>	...	December 31st, 1953.
	(b) made of porcelain	Protective...	66 2/3 per cent. <i>ad valorem.</i>	...	December 31st, 1953.
	(c) not otherwise specified, but exclu- ding jewellery and articles made of glass or plated with gold or silver or both.	Protective...	66 2/3 per cent. <i>ad valorem.</i>	...	December 31st, 1953.

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of			Duration of protective rates of duty
				The United Kingdom	A British Colony		
86	Prints, engravings and pictures (including photographs and picture post cards), not otherwise specified.	Revenue	25 per cent. <i>ad valorem</i> .	---	---	---	---
86(1)	Art, works of, not otherwise specified. In the First Schedule to the Indian Tariff Act, 1934—	Revenue	25 per cent. <i>ad valorem</i> .	---	---	---	---
28A	(i) after Item No. 28, the following Item shall be inserted, namely :— Patent or proprietary medicines as defined in clause (d) of section 3 of the Drugs Act, 1940 (XXIII of 1940), not containing spirit and not otherwise specified. (ii) after Item No. 70(9), the following Items shall be inserted, namely :— Door and window hinges and bolts	Preferential Revenue.	50 per cent. <i>ad valorem</i> .	40 per cent. <i>ad valorem</i> .	40 per cent. <i>ad valorem</i> .	40 per cent. <i>ad valorem</i> .	---
70(10)	Door and window hinges and bolts	Revenue	66⅔ per cent. <i>ad valorem</i> .	---	---	---	---
70(11)	Locks, all kinds	Revenue	66⅔ per cent. <i>ad valorem</i> .	---	---	---	---
85(2)	(iii) after Item No. 85(1), the following Item shall be inserted, namely :— Suit cases, trunks and bags not otherwise specified.	Revenue	66⅔ per cent. <i>ad valorem</i> .	---	---	---	---

THE SECOND SCHEDULE

(See section 5)

Goods on which additional duty of customs is not leviable

Goods comprised in the following Items of the First Schedule to the Indian Tariff Act, 1934, namely :—

1(1), 2, 4(1), 4(3), 4(4), 4(5), 7(1), 8(1), 8(4), 8(5), 9(5), 9(6), 9(7), 12(6), 13(8), 13(9), 15(5), 15(4), 15(10), 15(11), 15(12), 16, 16(1), 16(3), 19, 19(1), 19(2), 19(3), 20, 20(1), 20(2), 20(3), 20(6), 20(7), 21, 21(4), 21(5), 21(6), 21(7), 21(8), 21(9), 22(3), 22(5), 27(1), 27(3), 27(4), 27(9), 28A, 28(14), 28(21), 28(22), 28(23), 28(24), 28(25), 28(26), 28(26A), 28(27), 28(28), 28(29), 28(30), 30(1), 30(2), 30(7), 30(11), 30(12), 30(13), 31(4), 31(5), 40(6), 40(7), 44(1), 44(7), 45(3), 45(4), 45(5), 48(1), 48(3), 48(4), 48(5), 48(7), 48(8), 48(9), 48(10), 49(1), 49(2), 51, 52, 52(4), 53(2), 54, 55(1), 55(2), 55(3), 56, 56(1), 59(2), 59(3), 59(4), 59(5), 60, 60(4), 60(5), 61, 61(11), 70(10), 70(11), 71(9), 71(10), 72(4), 72(5), 72(26), 72(27), 72(28), 73(4), 73(8), 73(9), 73(10), 73(11), 73(12), 74(4), 75(1), 76, 77(2), 77(4), 78(1), 79, 83, 84(1), 85, 85(2), 86 and 86(1).

THE THIRD SCHEDULE

(See section 5)

Goods on which additional duty of customs at 5 per cent. is leviable

Goods comprised in the following Items of the First Schedule to the Indian Tariff Act, 1934, namely :—

4, 8(2), 9(3), 11(2), 11(4), 11(5), 11(6), 13(4), 15, 21(3), 24, 24(1), 24(2), 24(3), 25(1), 27(2), 27(5), 27(6), 27(7), 27(8), 28, 28(4), 28(8), 28(15), 28(16), 28(17), 28(18), 28(19), 28(20), 28(31), 29, 29(1), 30, 30(9), 30(10), 34(3), 40(4), 40(5), 43, 44, 45, 46, 46(3), 47, 55, 60(2), 60(3), 60(6), 70(7), 61(2), 61(3), 61(8), 61(9), 62(1), 62(2), 63(14), 63(30), 63(31), 63(32), 63(33), 63(34), 63(35), 64, 64(3), 64(4), 65, 66, 66(1), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(2), 70(3), 70(4), 70(5), 70(6), 70(9), 71(2), 71(3), 71(7), 71(8), 71(11), 72, 72(1), 72(2), 72(3), 72(11), 72(12), 72(13), 72(14), 72(15), 72(16), 72(17), 72(18), 72(19), 72(20), 72(21), 72(22), 72(23), 72(24), 72(25), 72(33), 72(34), 73(2), 73(7), 73(14), 73(15), 73(16), 74(2), 75, 75(2), 75(3), 75(5), 75(6), 75(7), 75(8), 75(9), 75(10), 75(11), 75(12), 75(13), 77(5), 78, 82(1), 82(3), 84 and 85(1).

The Central Excises and Salt (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 25th April 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 27th April 1953.

Act No 15 of 1953

[25th April, 1953]

An Act further to amend the Central Excises and Salt Act, 1944.

Be it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Central Excises and Salt (Amendment) Act, 1953.

2. *Amendment of First Schedule, Act I of 1944.*—(1) In the First Schedule to the Central Excises and Salt Act, 1944, for Item 14, the following Item shall be substituted, namely :—

‘14. TEA—

“Tea” includes all varieties of the product known commercially as tea, and also includes green tea

(1) Package tea, that is to say, tea packed in any kind of container containing not more than 60 lbs. net of tea—

- | | |
|---|----------------------------|
| (i) if before being so packed, duty has been paid there-
on under sub-item (2) of this Item. | Three annas
per lb. net |
| (ii) if, before being so packed, duty has not been paid
thereon under sub-item (2) of this Item. | Four annas
per lb. net |
| (2) Tea not otherwise specified. | One anna
per lb. net. |

(2) The amendment made by sub-section (1) shall apply to tea as defined therein which is lying in stock on the 15th day of April, 1953, in any premises where tea is produced or manufactured or in any premises appurtenant thereto as it applies to tea produced or manufactured on or after the said date.

The Constitution (Second Amendment) Act, 1952.

The following Act of Parliament received the assent of the President on the 1st May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 2nd May 1953:

[1st May, 1953]

An Act further to amend the Constitution of India.

Be it enacted by Parliament as follows :—

1. *Short title*—This Act may be called the Constitution (Second Amendment) Act, 1952.

2. *Amendment of article 81.*—In sub-clause (b) of clause (1) of article 81 of the Constitution, the words and figures “not less than one member for every 750,000 of the population and” shall be omitted.

The Scheduled Areas Assimilation of Laws Act, 1953.

The following Act of Parliament received the assent of the President on the 6th May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 7th May, 1953.

Act No. 16 of 1953

[6th May 1953]

An Act to assimilate certain laws in force in the scheduled areas to the laws in force in the districts of Nowgong and Sibsagar in the State of Assam.

Be it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Scheduled Areas (Assimilation of Laws) Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act,—

(a) “appointed day” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(b) “law” means so much of any Act, Ordinance, Regulation, rule, order or bye-law as relates to any of the matters enumerated in Lists I and III in the Seventh Schedule to the Constitution;

(c) “scheduled areas” mean the areas specified in the Schedule.

3. *Assimilation of laws.*—(1) All laws which immediately before the appointed day extend to, or are in force in, the scheduled areas shall on that day cease to be in force in the scheduled areas except as respects things done or omitted to be done before that day, and for the removal of doubts, it is hereby declared that section 6 of the General Clauses Act, 1897 (X of 1897) shall apply in relation to such cesses as it applies in relation to the repeal of an enactment by a Central Act.

(2) All laws which immediately before the appointed day extend to, or are in force in, the district of Nowgong in the State of Assam shall

as from that day extend to, or, as the case may be, come into force in the areas specified in paragraph 1 of the Schedule.

(3) All laws which immediately before the appointed day extend to, or are in force in, the district of Sibsagar in the State of Assam shall as from that day extend to, or, as the case may be, come into force in, the areas specified in paragraph 1 of the Schedule.

4. *Transitional provisions.*—Notwithstanding anything contained in section 3, the Central Government or the Government of the State of Assam may, by order, direct that during such period, not exceeding twelve months from the appointed day, as may be specified in the order, any law which immediately before the appointed day was in force in the scheduled areas, shall be deemed to have continued to be in force therein or any specified part thereof, and may further likewise direct that any law which would have extended to, or come into force in the scheduled areas on the appointed day, shall not be deemed to have extended thereto or come into force therein or any specified part thereof.

5. *Savings.*—Notwithstanding anything contained in section 3, all suits, cases and other legal proceedings between parties all of whom belong to the Scheduled Tribes specified in Item 2 of Part I—Assam, of the Schedule annexed to the Constitution (Scheduled Tribes) Order, 1950 or such other tribe or tribes, as may be specified in this behalf, shall be tried and continue to be tried under the Rules for the Administration of Justice and Police in the Sibsagar and Nowgong Mikir Hills Tracts as if this Act had not been passed.

6. *Provision for removal of difficulties.*—If any difficulty arises in relation to the transition under section 3 from one law or group of laws to another law or group of laws, the Central Government may, by order notified in the Official Gazette, make such provision as it considers necessary for the removal of the difficulty.

THE SCHEDULE

[See section 2(a)]

1. (a) Portion of Gobha mauza that was originally in the Mikir Hills Tracts, including Sonaikuohi Reserved Forest.

(b) Kholahat Reserved Forest.

(c) Portion of Lumding Reserved Forest falling in Lanka Mauza in original Mikir Hills Tracts.

(d) Portion of Lumding Mauza west of the line described below :—

From the point where the eastern boundary of Namati Mauza meets the Kaki Jan, the line runs up the Kaki Jan to its source; thence in a south-easterly direction in a straight line across the hill ridges to the confluence of Panpri stream with the Lanka Jan; thence up the Lanka Jan to its source; thence in a southerly direction along the eastern boundary of the Lumding Reserved Forest to the junction of Lankanasang Nadi with the Bara Langpher river, thence in a straight line due south till that line meets the southern boundary of the Lumding Mauza.

(a) Dabaka Reserved Forest

(f) Suang Reserved Forest.

(g) Diju Valley South Reserved Forest.

(h) Bagser Reserved Forest.

2 (a) Panbari Reserved Forest.

(b) Upper Daigurung Reserved Forest.

(c) Lower Daigurung Reserved Forest

(d) Village lands of Ghatiani Pathar, Dohara Pathar and Murphuloni of Mauza Marangi in original Mikir Hills Tracts.

(e) Portion of Barpathar Mauza east of Dhansiri river and north-east of Garampani Kaliani road.

(f) Portion of Ghiladhari Mauza in original Mikir Hills Tracts.

(g) Portion of Sarupathar Mauza east of Dhansiri river.

The Patiala and East Punjab States Union Appropriation (No. 2) Act, 1953.

The following Act of Parliament received the assent of the President on the 15th May, 1953 and was published in the *Gazette of India, Extraordinary*, Part II-Section 1, dated the 18th May 1953.

Act No. 17 of 1953.

[15th May, 1953.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Patiala and East Punjab States Union for the service of the financial year 1953-54.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Patiala and East Punjab States Union Appropriation (No. 2) Act, 1953.

2. *Issue of Rs. 18,19,30,700 out of the Consolidated Fund of the State of Patiala and East Punjab States Union for the year 1953-54.*—From and out of the Consolidated Fund of the State of Patiala and East Punjab States Union, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Patiala and East Punjab States Union Appropriation (Vote on Account) Act, 1953 (8 of 1953)] to the sum of eighteen crores, nineteen lakhs, thirty thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1953-54, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Patiala and East Punjab States Union by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3.)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Land Revenue ...	42,50,700	...	42,50,700
2	State Excise Duties ...	21,73,300	...	21,73,300
3	Stamps ...	63,500	...	63,500
4	Forest ...	14,10,700	...	14,10,700
5	Registration ...	22,500	...	22,500
6	Charges on account of			
	Motor Vehicles Acts ..	86,200	...	86,200
7	Other Taxes and Duties ...	3,93,600	...	3,93,600
8	Irrigation ...	43,57,900	...	43,57,900
9	Mfnisters and Advisers ...	2,29,600	...	2,29,600

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
10	State Legislative Assembly	3,31,300	25,300	3,56,600
11	Elections for Legislatures...	2,52,900	...	2,52,900
12	Chief Minister and Adviser's Secretariat, ..	70,200	...	70,200
13	Home Department	5,18,400	...	5,18,400
14	Finance Department ..	3,31,500	...	3,31,500
15	Revenue Department ..	2,50,000	...	2,50,000
16	Education and Health Department ..	90,600	...	90,600
17	Development Department	95,300	...	95,300
18	Industries, Supplies and Labour Department ..	1,18,500	...	1,18,500
19	Rehabilitation Department	1,65,000	...	1,65,000
20	Law and Local Self Government Department	1,96,700	...	1,96,700
21	Commissioner ..	67,800	...	67,800
22	District Administration	18,12,700	...	18,12,700
23	Civil Supplies Directorate ..	7,07,300	...	7,07,300
24	Administration of Justice	13,70,200	3,74,300	17,44,500
25	Jails and Judicial Lock Ups ..	12,83,000	...	12,83,000
26	Police	87,20,700	...	87,20,700
27	Education ..	1,00,16,400	...	1,00,16,400
28	Medico ..	35,84,500	...	35,84,500
29	Public Health ..	12,76,900	...	12,76,900
30	Agriculture ..	37,04,100	...	37,04,100
31	Veterinary ..	6,62,600	...	6,62,600
32	Co-operation ..	5,57,600	...	5,57,600
33	Industries and Supplies ..	15,85,500	...	15,85,500
34	Miscellaneous Departments	7,37,000	...	7,37,000
35	Punjab Department ..	2,91,400	...	2,91,400
36	Civil Works ..	1,43,52,800	...	1,43,52,800
37	Electricity Schemes—Working Expenses.	31,73,700	...	31,73,700
38	Capital Outlay on Electricity Schemes (within the Revenue account), ..	87,100	...	87,100
39	Privy Purses and Allowances of Indian Rulers.	8,86,000	22,40,000	31,26,000
40	Superannuation Allowances and Pensions.	15,48,800	...	15,48,800
41	Stationery and Printing ..	14,04,200	...	14,04,200
42	Miscellaneous ..	11,17,300	...	11,17,300
43	Expenditure on Displaced Persons.	14,61,200	...	14,61,200

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
44	Miscellaneous Adjustments between Central and State Governments.	4,000	...	4,000
45	Community Development Projects.	12,87,400	...	12,87,400
	<i>Charged—</i>			
	Interest on Debt and Other obligations.	...	91,100	91,100
	Appropriation for reduction or avoidance of Debt.	...	40,00,000	40,00,000
	Staff, Household and Allowances of His Highness the Rajpramukh.	...	5,99,900	5,99,900
	Public Service Commission ..	...	1,07,700	1,07,700
46	Construction of Irrigation, Navigation, Embankment and Drainage Works.	54,71,000	...	54,71,000
47	Capital Outlay on Schemes of Agricultural Improvements and Research.	66,00,000	...	66,00,000
48	Capital Outlay on Multipurpose River Schemes—Bhakra Nangal Project.	1,66,01,400	...	1,66,01,400
49	Capital Outlay on Schemes of State Trading.	5,71,51,000	...	5,71,51,000
50	Advances Bearing Interest..	1,14,09,500	...	1,14,09,500
	Repayment of Debt.	...	1,50,000	1,50,000
	GRAND TOTAL	17,43,42,400	75,88,300	18,19,30,700

The Indian Lighthouse (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 16th May, 1953 and published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 19th May, 1953.

Act No. 18 of 1953.

[16th May, 1953.]

An Act further to amend the Indian Lighthouse Act, 1927.

Be it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Lighthouse (Amendment) Act, 1953.

2. *Amendment of section 1, Act XVII of 1927*—In sub-section (2) of section 1 of the Indian Lighthouse Act, 1927 (hereinafter referred to as the principal Act), the words and letter 'except Part B States' shall be omitted.

3. *Amendment of section 10, Act XVII of 1927*—In sub-section 1 of section 10 of the principal Act, for the words 'two annas' the words 'four annas' shall be substituted.

4. *Repeal.*—If immediately before the 21st day of January, 1950, there was in force in any Part B State any law corresponding to the principal Act, that law shall, with effect from that date, be deemed to have been repealed, except as respects things done or omitted to be done before that date.

The Cinematograph (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 16th May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 19th May 1953.

Act No 19 of 1953.

[16th May, 1953.]

An Act to amend the Cinematograph Act, 1952.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Cinematograph (Amendment) Act, 1953.

2. *Amendment of section 6, Act XXXVII of 1952.*—In section 6 of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act),—

(i) after clause (b), the following new clause shall be added, namely :—
“(c) the exhibition of any film be suspended for such period as may be specified in the direction :” : and

(ii) for the proviso, the following shall be substituted, namely :—

“Provided that no direction issued under clause (c) shall remain in force for more than two months from the date of the notification.”

3. *Insertion of new section 6A in Act XXXVII of 1952.*—After section 6 of the principal Act, the following section shall be inserted, namely :—

‘6A. *Information and documents to be given to distributors and exhibitors with respect to certified films.*—Any person who delivers any certified film to any distributor or exhibitor shall, in such manner as may be prescribed, notify to the distributor or exhibitor, as the case may be, the title, the length of the film, the number and the nature of the certificate granted in respect thereof and the conditions, if any, subject to which it has been so granted, and any other particulars respecting the film which may be prescribed.”

4. *Amendment of section 7, Act XXXVII of 1952.*—For sub-section (1) of section 7 of the principal Act, the following sub-section shall be substituted, namely :—

“(1) If any person—

(a) exhibits or permits to be exhibited in any place—

(i) any film other than a film which has been certified by the Board as suitable for unrestricted public exhibition or for public exhibition restricted to adults and which, when exhibited, displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto,

(ii) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult,

or

(b) without lawful authority (the burden of proving which shall be on him), alters or tampers with in any way any film after it has been certified,

or

(c) fails to comply with the provision contained in section 6A or with any order made by the Central Government or by the Board in the exer-

cise of any of the powers or functions conferred on it by this Act or the rules made thereunder,

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing offence with a further fine which may extend to one thousand rupees for each day during which the offence continues

The Salaries and Allowances of Officers of Parliament Act, 1953.

The following Act of Parliament received the assent of the President on the 16th May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 19th May 1953.

Act No. 20 of 1953.

[16th May, 1953]

An Act to provide for the salaries and allowances of certain officers of Parliament.

Be it enacted by Parliament as follows :—

1 *Short title and commencement*—(1) This Act may be called the Salaries and Allowances of Officers of Parliament Act, 1953.

(2) It shall be deemed to have come into force on the first day of May, 1953.

2 *Definition*—In this Act “officer of Parliament” means any of the following officers, namely, the Chairman and Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People.

3 *Salaries of officers of Parliament*.—There shall be paid to the Chairman and the Speaker a salary of two thousand two hundred and fifty rupees per mensem and to the Deputy Chairman and the Deputy Speaker a salary of two thousand rupees per mensem.

4 *Residence for officers of Parliament*.—Each officer of Parliament shall be entitled without payment of rent to the use of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and no charge shall fall on the officer personally in respect of the maintenance of such residence.

Explanation—For the purposes of this section, “residence” includes the staff quarters and other buildings appurtenant thereto and the garden thereof, and “maintenance” in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

5 *Sumptuary allowance to the Chairman and the Speaker*.—There shall be paid to the Chairman and the Speaker a sumptuary allowance of five hundred rupees per mensem.

6 *Travelling and daily allowances to officers of Parliament*.—(1) Subject to any rules made in this behalf under section 11, an officer of Parliament shall be entitled to—

(a) travelling allowances for himself and the members of his family and for the transport of his and his family's effects—

(i) in respect of the journey to Delhi from his usual place of residence outside Delhi for assuming office, and

(ii) in respect of the journey from Delhi to his usual place of residence outside Delhi on relinquishing office; and

(b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his official duties, whether by sea, land or air.

(2) Any travelling allowance under this section may be paid in cash or free official transport may be provided in lieu thereof.

7. *Medical facilities to officers of Parliament.*—Subject to any rules made in this behalf under section 11, an officer of Parliament and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment.

8. *Advances to officers of Parliament for purchase of motor-cars*—There may be paid to any officer of Parliament by way of a repayable advance such sum of money as may be determined by rules made in this behalf under section 11 for the purchase of a motor-car in order that he may be able to discharge conveniently and efficiently the duties of his office.

9. *Officers of Parliament not to draw salary or allowances as Members of Parliament.*—No officer of Parliament in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by Parliament by way of salary or allowance in respect of his membership of either House of Parliament.

10. *Notification respecting appointment, etc. of officers of Parliament to be conclusive evidence thereof*—The date on which any person became or ceased to be an officer of Parliament shall be published in the Official Gazette and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, an officer of Parliament on that date for all the purposes of this Act.

11. *Power to make rules.*—(1) The Central Government may, in consultation with the Chairman and the Speaker, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

The Comptroller and Auditor-General (Conditions of Service) Act, 1953.

The following Act of Parliament received the assent of the President on the 17th May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 20th May, 1953.

Act No. 21 of 1953.

[17th May, 1953]

An Act to regulate certain conditions of service of the Comptroller and Auditor General of India.

Be it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Comptroller and Auditor-General (Conditions of Service) Act, 1953.

2. *Term of office of Comptroller and Auditor-General.*—A Comptroller and Auditor-General of India shall hold office for a term of six years from the date on which he enters upon his office :

Provided that he may at any time by writing under his hand addressed to the President resign his office.

Explanation.—For the purposes of this section, the term of six years in respect of the Comptroller and Auditor-General holding office immediately before the commencement of this Act shall be computed from the 15th day of August, 1948.

3. *Pension payable to Comptroller and Auditor-General.*—A Comptroller and Auditor-General of India shall, on his retirement, be eligible—

(a) (i) in the case of the Comptroller and Auditor-General holding office immediately before the commencement of this Act, to such pension as may be admissible to him under the rules for the time being applicable to the service to which he belonged at the date on which he became the Comptroller and Auditor-General ; or

(ii) in the case of any other Comptroller and Auditor-General who was in the service of the Government at the date of his appointment, to such pension as may be admissible to him under the rules for the time being applicable to the service to which he belonged at the date of his appointment ;

the service as Comptroller and Auditor-General, in either case, being reckoned for the purposes of the relevant rules as service for pension ; and

(b) to an additional pension of six hundred rupees per annum in respect of each completed year of service as Comptroller and Auditor-General, such service in respect of the Comptroller and Auditor-General holding office, immediately before the commencement of this Act, being computed from the 15th day of August, 1948 :

Provided that the aggregate of all pensions payable to the Comptroller and Auditor-General shall not, —

(i) in the case of a member of the Indian Civil Service, exceed one thousand pounds sterling per annum ; or

(ii) in the case of a member of any other service, exceed twelve thousand rupees per annum.

4. *Other conditions of service of Comptroller and Auditor-General.*— Save as otherwise expressly provided in this Act, the other conditions of service of the Comptroller and Auditor-General of India shall be as specified in the Second Schedule to the Constitution.

The Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953.

The following Act of Parliament received the assent of the President on the 17th May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 20th May, 1953.

Act No. 22 of 1953.

[17th May, 1953]

An Act to confer on the President the power of the Legislature of the State of Patiala and East Punjab States Union to make laws.

Be it enacted by Parliament as follows :—

1. *Short title*—This Act may be called the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953.

2. *Definition*.—In this Act, unless the context otherwise requires, “Proclamation” means the Proclamation issued on the 4th day of March, 1953, by the President under clause (1) of article 356 of the Constitution.

3. *Conferment on the President of the power of the State Legislature.*— (1) The power of the Legislature of the State of Patiala and East Punjab States Union to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as a President’s Act a Bill containing such provisions as he considers necessary :

Provided that before enacting any such Act, the President shall, except where it is not practicable so to do, consult a committee constituted for the purpose consisting of ten members of the House of the People nominated by the Speaker and five members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2) :

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended

The Indian Merchant Shipping (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 21st May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 25th May, 1953.

Act No. 23 of 1953.

[21st May, 1953]

An Act to enable effect to be given to an International Convention for the Safety of Life at Sea, signed in London on the tenth day of June, nineteen hundred and forty-eight, to amend the provisions of the Indian Merchant Shipping Act, 1923 relating to life-saving appliances, wireless and radio navigational aids and to other matters affected by the said Convention.

Be it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Substitution of certain expressions for certain other expressions in Act XXI of 1923.*—In the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the principal Act), except as otherwise provided in this Act,—

(a) in Part V and in clause (f) of section 280, for the words 'wireless telegraphy inspectors' and 'wireless telegraphy inspector' wherever they occur, the words 'radio inspectors' and 'radio inspector' shall, respectively, be substituted ;

(b) In Part V,—

(i) for the words and figures 'International Convention respecting Load Lines, 1930' wherever they occur, the words 'Load Line Convention' shall be substituted ;

(ii) for the words and figures 'International Convention for the Safety of Life at Sea, 1929' or 'International Convention for the Safety of Life at Sea signed in London on the 31st day of May, 1929' wherever they occur, the words 'Safety Convention' shall be substituted ;

(iii) for the word 'wireless' wherever it occurs, the word 'radio' shall be substituted ;

(iv) after the words 'telegraph' and 'telegraphy' wherever they occur, the words 'or radio-telephone' and 'or radio-telephony' shall, respectively, be inserted.

3. *Amendment of section 2, Act XXI of 1923.*—In section 2 of the principal Act, for clause (6), the following clause shall be substituted, namely :—

"(6) 'passenger' means any person carried in a ship, except—

(a) a person employed or engaged in any capacity on board the ship on the business of the ship ;

(b) a person on board the ship either in pursuance of the obligation

laid upon the master to carry ship-wrecked, distressed or other persons, or by reason of any circumstances which neither the master nor the charterer, if any, could have prevented or forestalled; and

(c) a child under one year of age."

4. *Omission of section 143A, Act XXI of 1923.*—Section 143A of the principal Act shall be omitted;

5. *Amendment of section 145A, Act XXI of 1923.*—In section 145A of the principal Act, in sub-section (2), for clauses (a) to (h), the following clauses shall be substituted, namely :—

"(a) the closing and keeping closed the openings in steamers' hulls and in water-tight bulk-heads;

(b) the securing of, and keeping in place and inspecting contrivances for closing any such openings as aforesaid;

(c) the operation of mechanisms of contrivances for closing any such openings as aforesaid and the drills in connection with the operation thereof; and

(d) the entries to be made in the Official Log Book or other record to be kept of any of the matters aforesaid."

6. *Substitution of new section for section 213A in Act XXI of 1923.*—For section 213A of the principal Act, the following section shall be substituted, namely :—

"213A. *Definitions.*—In this Part, unless the context otherwise requires,—

(a) 'country to which the Load Line Convention applies' means—

(i) a country the Government of which has been declared or is deemed to have been declared under section 213B to have accepted the Load Line Convention and has not been so declared to have denounced that Convention;

(ii) a country to which it has been so declared that the Load Line Convention has been applied under the provisions of article twenty-one thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that article;

(b) 'country to which the Safety Convention applies' means—

(i) a country the Government of which has been declared under section 213B to have accepted the Safety Convention and has not been so declared to have denounced that Convention;

(ii) a territory to which it has been so declared that the Safety Convention extends, not being a territory to which it has been so declared that that Convention has ceased to extend;

(c) 'Load Line Convention' means the Convention signed in London on the fifth day of July, nineteen hundred and thirty, for promoting safety of life and property at sea, as amended from time to time;

(d) 'Safety Convention' means the Convention for the Safety of Life at Sea, signed in London on the tenth day of June, nineteen hundred and forty-eight, as amended from time to time."

7. *Insertion of new section 213B in Act XXI of 1923.*—After section 213A of the principal Act, the following section shall be inserted, namely :—

"213B. *Countries to which Load Line Convention or Safety Convention applies.*—(1) The Central Government, if satisfied,—

(a) that the Government of any country has accepted or denounced the Load Line Convention or, as the case may be, the Safety Convention;

or

(b) that the Load Line Convention or, as the case may be, the

Safety Convention extends, or has ceased to extend to any territory : may, by notification in the Official Gazette, make a declaration to that effect.

(2) Any declaration made by or on behalf of the Central Government before the commencement of the Indian Merchant Shipping (Amendment) Act, 1953, in any form whatsoever, that the Government of any country has accepted or denounced the Load Line Convention or that the said Convention extends or has ceased to extend to any territory shall be deemed to have been made under sub-section (1)."

8. *Amendment of sections 214 and 216, Act XXI of 1923.*—In sub-section (1) of section 214 and in section 216 of the principal Act, after the word 'lights' the words 'and shapes' shall be inserted.

9. *Amendment of section 216A, Act XXI of 1923.*—In section 216A of the principal Act, after sub-section (1), the following sub section shall be inserted, namely :—

"(1A) Without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely :—

(a) the arranging of ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage and to the number of persons carried ;

(b) the number, description and mode of construction of the boats, life rafts, line throwing appliances, life-jackets and life-buoys to be carried by ships according to the classes in which the ships are arranged ;

(c) the equipment to be carried by any such boats and rafts and the method to be provided to get the boats and other life-saving appliances into the water, including oil for use in stormy weather ;

(d) the provision in ships of a proper supply of lights inextinguishable in water and fitted for attachment to life-buoys ;

(e) the quantity, quality and description of buoyant apparatus to be carried on board ships either in addition to or in substitution for boats, life rafts, life-jackets and life-buoys ;

(f) the position and means of securing the boats, life rafts, life-jackets, life-buoys and buoyant apparatus ;

(g) the marking of boats, life rafts, and buoyant apparatus so as to show their dimensions and the number of persons authorised to be carried on them ;

(h) the manning of lifeboats and the qualifications and certificates of life-boatmen ;

(i) the provision to be made for mustering the persons on board and for embarking them in the boats (including provision for the lighting of, and the means of ingress and egress from, different parts of the ship) ;

(j) the provision of suitable means situated outside the engine-room whereby any discharge of water into the boats can be prevented ;

(k) the assignment of specific duties to each member of the crew in case of emergency ;

(l) the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire ;

(m) the practice in ships of boat-drills and fire-drills ;

(n) the provision in ships of means of making effective distress signals by day and by night ;

(o) the provision in ships, engaged on voyages in which pilots are likely to be embarked of suitable pilot ladders, and of ropes, lights and other appliances designed to make the use of such ladders safe ; and

(p) the periodical examination of any appliances or equipment required by any rules made under this Act to be carried by ships."

10. *Substitution of new sections for sections 225 and 226 in Act XXI of 1923* — For sections 225 and 226 and the heading thereto, the following shall be substituted, namely :—

“Dangerous Goods and Grain-Cargoes.

225. *Carriage of dangerous goods.*—(1) The Central Government may make rules for regulating in the interests of safety the carriage of dangerous goods in ships to which this section applies.

(2) This section applies to—

(a) Indian ships ;

(b) other ships while they are within any port in India or are embarking or disembarking passengers within the territorial waters of India, or are loading or discharging cargo or fuel within those waters.

(3) If any of the rules made in pursuance of this section is not complied with in relation to any ship, the owner or master of the ship shall be liable to a fine which may extend to three thousand rupees and the ship shall be deemed for the purpose of this Part to be an unsafe ship.

226. *Carriage of grain.*—(1) Where grain is loaded on board any Indian ship or is loaded within any port in India on board any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting ; and if such precautions as aforesaid are not taken, the owner or the master of the ship or any agent of the owner who was charged with the loading or with sending the ship to sea laden with grain shall be guilty of an offence under this sub-section and the ship shall be deemed for the purposes of this Part to be unsafe by reason of improper loading.

(2) Where any ship which is loaded with grain outside India without all necessary and reasonable precautions having been taken to prevent the grain from shifting, enters any port in India so laden, the owner or master of the ship shall be guilty of an offence under this sub-section and the ship shall be deemed for the purposes of this Part to be unsafe by reason of improper loading :

Provided that this sub-section shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled.

(3) If any person commits an offence under sub-section (1) or sub-section (2), he shall be liable to a fine which may extend to three thousand rupees.

(4) On the arrival at a port in India from a port outside India of any ship carrying a cargo of grain, the master shall cause to be delivered at the port to such customs or other officer as may be specified by the Central Government in this behalf, a notice stating—

(a) the draught of water and free-board of the said ship after the loading of the cargo was completed at the final port of loading ; and

(b) the following particulars of the grain carried, namely :—

(i) the kind of grain and quantity thereof stated in cubic feet, quarters, bushels or tons weight ;

(ii) the mode in which the grain is stowed ; and

(iii) the precautions taken to prevent the grain from shifting ; and if the master fails to deliver any notice required by this sub-section or if in any such notice he makes any statement that he knows to be false in a material particular or recklessly makes a statement that is false in a material particular, he shall be liable to a fine which may extend to one thousand rupees.

(5) Any person authorised in this behalf by general or special order of the Central Government, may, for securing the observance of the provisions of this section, inspect a ship carrying a cargo of grain and the mode in which such cargo is stowed therein.

(6) The Central Government may, subject to the condition of previous publication, make rules in relation to the loading of ships generally or of ships of any class specifying the precautions to be taken and when such precautions have been prescribed, they shall be treated for the purposes of this section to be included in the expression "necessary and reasonable precautions".

(7) In this section, the expression 'grain' includes wheat, maize, oats, rye, barley, rice, pulses and seeds, and the expression 'ship carrying a cargo of grain' means a ship carrying a quantity of grain exceeding one-third of the ship's registered tonnage reckoning one hundred cubic feet or two tons of weight of grain as equivalent to one ton of registered tonnage."

11. *Amendment of section 227, Act XXI of 1923.*—In sub-section (1) of section 227 of the principal Act, after the word 'submerge' the words 'in salt water' shall be inserted.

12. *Omission of section 240, Act XXI of 1923.*—Section 240 of the principal Act shall be omitted and for the heading above that section, the following heading shall be substituted, namely :—

"Installation of Radio-telegraphy, Radio telephony and Direction Finders."

13. *Amendment of section 242, Act XXI of 1923.*—For sub-section (1) of section 242 of the principal Act, the following sub-sections shall be substituted, namely :—

"(1) Every sea-going Indian ship, being a passenger steamer, and every other sea-going Indian ship of five hundred tons gross tonnage or upwards, shall, in accordance with the rules made under section 245, be provided with a radio installation and shall maintain a radio telegraph service or a radio telephone service of the prescribed nature and shall be provided with such certificated operators and watchers as may be prescribed :

Provided that the Central Government may, by notification in the Official Gazette, exempt from the obligation imposed by this section any ship or class of ships if it is of the opinion that having regard to the nature of the voyage on which the ship or ships are engaged or other circumstances of the case, the provision of a radio installation is unnecessary or unreasonable.

(1A) The radio installation required under the said rules to be provided for a passenger steamer or for any other ship of sixteen hundred tons gross tonnage or upwards shall be a radio telegraph installation ; and that required to be provided for a ship of less than sixteen hundred tons gross tonnage, other than a passenger steamer shall be either a radio telegraph installation or a radio telephone installation at the option of the owner."

14. *Amendment of section 242A, Act XXI of 1923.*—For sub-section (1) of section 242A of the principal Act, the following sub-section shall be substituted, namely :—

"(1) On and after such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf every Indian ship of sixteen hundred tons gross tonnage or upwards shall be provided with a radio direction finder of the prescribed description."

15. *Amendment of section 242B, Act XXI of 1923.*—In section 242B, for the words 'wireless telegraph log' wherever they occur, the words 'radio log' shall be substituted.

16. *Substitution of new section for section 244 in Act XXI of 1923.*—For section 244 of the principal Act, the following section shall be substituted, namely :—

"244. *Application of this Part to ships other than Indian ships.*—The provisions of this Part relating to radio-telegraphy, radio-telephony and direction finders shall apply to ships other than Indian ships while they are within any port in India in like manner as they apply to Indian ships."

17. *Insertion of new section 245AA in Act XXI of 1923.*—After section 245A of the principal Act, the following shall be inserted, namely :—

"Stability Information"

245AA. *Information about ship's stability*—(1) There shall be carried on board every Indian ship whose keel is laid after the commencement of the Indian Merchant Shipping (Amendment) Act, 1953, such information in writing about the ship's stability as is necessary for the guidance of the master in loading and ballasting the ship.

(2) The said information shall be in such form as may be approved by the Central Government (which may approve the provision of the information in the form of a diagram or drawing only) and shall be based on the determination of the ship's stability by means of an inclining test of the ship :

Provided that the Central Government may allow the information to be based on a similar determination of the stability of a sister ship.

(3) When any information under this section is provided for any ship, the owner shall send a copy thereof to the Director-General of Shipping.

(4) If any such ship proceeds or attempts to proceed to sea without such information as aforesaid on board, the owner or master of the ship shall be liable to a fine which may extend to one thousand rupees.

(5) It is hereby declared that for the purpose of section 118 (which requires documents relating to navigation to be delivered by the master of a ship to his successor) information under this section shall be deemed to be a document relating to the navigation of the ship."

18. *Omission of section 245B, Act XXI of 1923*—Section 245B of the principal Act shall be omitted and for the heading above that section, the following heading shall be substituted, namely :—

"Safety Certificates, Safety Equipment Certificates, Safety Radio-telegraphy Certificates, Safety Radio-telephony Certificates and Exemption Certificates."

19. *Insertion of new section 245CC in Act XXI of 1923.*—After section 245C of the principal Act, the following section shall be inserted, namely :—

"245CC. *Safety Equipment Certificates for ships not being passenger ships.*—If the Central Government is satisfied in respect of any Indian ship, not being a passenger ship, that it complies with the rules for life-saving and fire extinguishing appliances applicable to the ship and that she is properly provided with the lights, shapes and means of making fog signals required by the collision regulations issued under the Merchant Shipping Acts or any other similar law for the time being in force, the Central Government shall, on the application of the owner, issue in respect of the ship a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to those matters as are applicable as aforesaid ; and any certificate issued under this section is hereafter in this part of this Act referred to as a Safety Equipment Certificate."

20. *Amendment of section 245D, Act XXI of 1923.*—In section 245D of the principal Act—

(a) in sub-section (1), after the words "Safety Radio-telegraphy Certificate" the words "or as the case may be, a Safety Radio-telephony Certificate" shall be inserted ;

(b) in sub-section (2), after the words "Safety Radio-telegraphy Certificate" the words "and the Safety Radio-telephony Certificate" shall be inserted.

21. *Amendment of section 245F, Act XXI of 1923.*—For sub-sections (1) and (2) of section 245F of the principal Act, the following sub sections shall be substituted, namely :—

"(1) A Safety Certificate, Qualified Safety Certificate, Safety Radio-telegraphy Certificate, Safety Radio-telephony Certificate or an Exemption Certificate issued under section 245C, section 245D or section 245E, as the case may be, shall be in force for one year, and a Safety Equipment Certificate issued under section 245CC shall be in force for twenty-four months, from the date of its issue, or for such shorter period as may be specified in the Certificate :

Provided that no such certificate shall remain in force after notice is given by the authority issuing the Certificate to the owner or master of the ship in respect of which it has been issued that that authority has cancelled the certificate.

(2) The Central Government or any person authorised by it in this behalf may grant an extension of any certificate issued under this Part in respect of an Indian ship for a period not exceeding one month from the date when the certificate would but for the extension, have expired, or, if the ship is absent from India on that date, for a period not exceeding five months from that date."

22. *Amendment of section 245G, Act XXI of 1923.*—In section 245G of the principal Act, in sub-section (1), for the words "or Safety Radio-telegraphy Certificate" the words "Safety Equipment Certificate, Safety Radio-telegraphy Certificate or Safety Radio-telephony Certificate" shall be substituted

23. *Amendment of section 245H, Act XXI of 1923.*—In section 245H of the principal Act, in sub-section (2)—

(i) for the figures '1600' the figures '500' shall be substituted ;

(ii) for clause (b), the following clause shall be substituted, namely :—

"(b) a Safety Equipment Certificate issued under section 245CC and a Safety Radio-telegraphy Certificate or, as the case may be, a Safety Radio-telephony Certificate issued under section 245D ;"

24. *Amendment of section 245I, Act XXI of 1923.*—In section 245-I of the principal Act—

(a) in sub-section (2), for the figures '1600' the figures '500' shall be substituted ; and

(b) in sub-section (3), for the words 'passenger steamer' or 'steamer' wherever they occur, the word 'steamship' shall be substituted.

25. *Amendment of section 245J, Act XXI of 1923.*—In section 245J of the principal Act—

(a) in sub-section (1) for the words "Safety Radio-telegraphy Certificates" the words "Safety Equipment Certificates, Safety Radio-telegraphy Certificates, Safety Radio-telephony Certificates" shall be substituted ;

(b) in sub-section (2), after the figures and letter '245C' the word, figures and letters "section 245CC" shall be inserted ;

(c) in sub-section (3)—

(i) after the figures and letter "245C" the figures and letters "245CC" shall be inserted ; and

(ii) for the words "or a Safety Radio-telegraphy Certificate" the words "a Safety Equipment Certificate, a Safety Radio-telegraphy Certificate, or a Safety Radio-telephony Certificate" shall be substituted.

26. *Amendment of section 245K, Act XXI of 1923.*—In section 245K of the principal Act, after the figures and letter "245C" the figures and letters "245C" shall be inserted.

27. *Amendment of section 245L, Act XXI of 1923.*—In section 245L of the principal Act, for the words "or a Safety Radio-telegraphy Certificate" the words "a Safety Equipment Certificate, a Safety Radio-telegraphy Certificate, or a Safety Radio-telephony Certificate" shall be substituted.

28. *Insertion of new section 245MM in Act XXI of 1923.*—In Part V of the principal Act, after section 245M, the following section shall be inserted, namely :—

"245MM. *Exemption of certain ships from certain provisions of this Act.*—(1) Nothing in this Act, —

(a) prohibiting a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued under this Part or the appropriate accepted Safety Convention Certificates ;

(b) requiring information about a ship's stability to be carried on board ;

(c) imposing a penalty for the contravention of any rules relating to openings in ship's hulls and watertight bulkheads ; shall, unless in the case of information about a ship's stability, the Central Government otherwise orders, apply to any troopship, pleasure yacht or fishing vessel or to any ship of less than five hundred tons gross tonnage other than a passenger steamer or to any ship not propelled by mechanical means.

(2) Nothing in the preceding sub-section shall affect the exemption conferred by section 4 of this Act.

(3) Notwithstanding that any provision of this Act is expressed to apply to ships not registered in India while they are within any port in India, that provision shall not apply to a ship that would not be within any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer, if any, of the ship could have prevented or forestalled."

29. *Substitution of new section for section 245P in Act XXI of 1923.*—For section 245P of the principal Act, the following section shall be substituted, namely :—

"245P. *Obligation to render assistance on receiving signal of distress.*—

(1) The master of an Indian ship on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) unless he is unable or in the special circumstances of the case considers it unreasonable or unnecessary to do so or unless he is released from such obligation under the provisions of sub-section (3) or sub-section (4) of this section.

(2) Where the master of any ship in distress has requisitioned any Indian ship that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) The master shall be released from the obligation imposed by sub-section (1) of this section as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.

(4) The master shall be released from the obligation imposed by sub-section (1) and if his ship has been requisitioned, from the obligation imposed by sub-section (2), if he is informed by the persons in distress or by the master of any ship that has reached the persons in distress that assistance is no longer required.

(5) If the master of an Indian ship on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress is unable or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log book or, if there is no official log book, cause other record to be kept of his reasons for not going to the assistance of those persons and if he fails to do so, he shall be liable to a fine which may extend to one thousand rupees.

(6) The master of every Indian ship for which an official log is required shall enter or cause to be entered in the official log book every signal of distress or message that a vessel, aircraft or person is in distress at sea.

(7) Any master failing to comply with the provisions of sub-section (1) or sub-section (2) shall be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both."

30. *Amendment of section 289C, Act XXI of 1923*—In section 289C of the principal Act, after the word 'unnecessary' the words 'or ought to be dispensed with' shall be inserted.

31. *Transitional provisions.*—Without prejudice to the provisions of section 24 of the General Clauses Act, 1897 (X of 1897)—

(a) any rules made under any provision of Part V of the principal Act shall, until revoked, have effect as if they had been made under the corresponding provisions of that Part as amended by this Act ;

(b) any certificate in force in respect of any ship at the commencement of this Act shall continue in force until the date shown on the certificate subject, however, to the cancellation of the certificate under the principal Act and section 245H of the principal Act shall have effect, accordingly ;

(c) nothing in section 245H of the principal Act shall prohibit a ship from proceeding to sea without a Safety Equipment Certificate until after expiration of twenty-four months from the 19th day of November, 1952, nor a ship of less than sixteen hundred tons gross tonnage from proceeding in sea without a Safety Radio-telegraphy Certificate or, a Safety Radio-telephony Certificate or an Exemption Certificate, until after the expiration of one year from that date ;

(d) sub-section (2) of section 245F of the principal Act as amended by this Act shall apply to any such certificate as is mentioned in clause (b) issued before the commencement of this Act as it applies to any such certificate issued after the commencement of this Act.

The Delhi Road Transport Authority (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 21st May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 25th May 1953.

Act No. 24 of 1953

[22nd May, 1953]

An Act to amend the Delhi Road Transport Authority Act, 1950.

Be it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Delhi Road Transport Authority (Amendment) Act, 1953

2. *Amendment of section 1, Act XIII of 1950.*—For sub-section (3) of section 1 of the Delhi Road Transport Authority Act, 1950 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely :—

“(3) It shall be deemed to have come into force on the 27th day of March, 1950.”

3. *Validation of certain acts.*—For the removal of doubts, it is hereby declared that anything done or any action taken under the principal Act, including any notification issued or order, rule or appointment made during the period between the 27th day of March, 1950, and the commencement of this Act shall, for all purposes, be deemed to be as valid and operative as if such thing had been done or action had been taken in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any person or authority whatsoever on the ground that such thing or action was not done or taken in accordance with law.

The Indian Income-Tax (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 24th May 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 26th May 1953.

Act No. 25 of 1953

[24th May, 1953.]

An Act further to amend the Indian Income-tax Act, 1922.

Be it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Indian Income-tax (Amendment) Act, 1953.

(2) Subject to any special provision made in this behalf in this Act, it shall be deemed to have come into force on the 1st day of April, 1952.

2. *Amendment of section 2, Act XI of 1922.*—In section 2 of the Indian Income-tax Act, 1922 (hereinafter referred to as the principal Act),—

(a) for clause (2), the following clause shall be substituted, namely :—

“(2) ‘assessee’ means a person by whom income-tax or any other sum of money is payable under this Act, and includes every person in respect of whom any proceeding under this Act has been taken for the assessment of his income or of the loss sustained by him or of the amount of refund due to him ;” ;

(b) clause (6) shall be renumbered as clause (5A), and after clause (5A) as so renumbered, the following clause shall be inserted, namely :—

“(6) ‘Director of Inspection’ means a person appointed to be a Director of Inspection under section 5, and includes a person appointed to be an Additional Director of Inspection, a Deputy Director of Inspection or

an Assistant Director of Inspection ;”;

(c) after clause (6D), the following clause shall be inserted, namely:—

“(6E) ‘Inspector of Income-tax’ means a person appointed to be an Inspector of Income-tax under section 5 ;”;

(d) for clause (11), the following clause shall be substituted, namely :—

“(11) ‘previous year’ means—

(i) in respect of any separate source of income, profits and gains—

(a) the twelve months ending on the 31st day of March next preceding the year for which the assessment is to be made, or, if the accounts of the assessee have been made up to a date within the said twelve months in respect of a year ending on any date other than the said 31st day of March, then, at the option of the assessee, the year ending on the date to which his accounts have been so made up :

Provided that where in respect of a particular source of income, profits and gains an assessee has once been assessed, or where in respect of a business, profession or vocation newly set up an assessee has exercised the option under sub-clause (c), he shall not, in respect of that source or, as the case may be, business, profession or vocation, exercise the option given by this sub-clause so as to vary the meaning of the expression ‘previous year’ as then applicable to him except with the consent of the Income-tax Officer and upon such conditions as the Income-tax Officer may think fit to impose ; or

(b) in the case of any person, business or company, or class of person, business or company, such period as may be determined by the Central Board of Revenue or by such authority as the Board may authorise in this behalf ; or

(c) where a business, profession or vocation has been newly set up in the financial year preceding the year for which assessment is to be made, the period from the date of the setting up of the business, profession or vocation to the 31st day of March next following or to the last day of the period determined under sub-clause (b), or, if the accounts of the assessee are made up in respect of a period not exceeding twelve months from the date of the setting up of the business, profession or vocation and the case is not one for which a period has been determined under sub-clause (b), then, at the option of the assessee, the period from the date of the setting up of the business, profession or vocation to the date to which his accounts have been so made up :

Provided that when the date to which the accounts have been so made up does not fall between the setting up of the business, profession or vocation and the next following 31st day of March inclusive, it shall be deemed that there is no previous year for the said assessment year and the previous year which would otherwise have been determined according to the option exercised by the assessee shall be deemed to be the previous year for the next succeeding assessment year ;

(ii) in respect of the share of the income, profits and gains of a firm where the assessee is a partner in the firm and the firm has been assessed as such, the period as determined for the assessment of the income, profits and gains of the firm ;”.

3. *Amendment of section 4, Act XI of 1922.*—(1) In section 4 of the principal Act,—

(a) in sub-section (1),—

(i) after the third proviso, the following further provisos shall be inserted, namely :

"Provided further that, in the case of a person who was not resident in the taxable territories in two out of the three years immediately preceding the previous year, so much of the income, profits and gains referred to in sub-clause (iii) of clause (b) as accrued or arose to him without India, shall not be included in his total income chargeable in any year subsequent to the year ending on the 31st day of March, 1951, whether his assessment for that year has or has not been completed before the commencement of the Indian Income-tax (Amendment) Act, 1953 :

Provided further that, in the case of a person resident in the taxable territories to whom the preceding proviso or paragraph 8 of the Part B States (Taxation Concessions) Order, 1950, does not apply, so much of the income, profits and gains referred to in sub-clause (iii) of clause (b) as accrued or arose to him without India and were not chargeable under this Act, unless brought into or received in the taxable territories, shall not be included in his total income if—

(i) such income, profits and gains are brought into or received in the taxable territories after the 2nd day of September, 1951, and before the 1st day of April, 1954 ;

(ii) half of the amount of such income, profits and gains is invested, within three months of the receipt thereof in the taxable territories, in securities of the Central Government or of a State Government purchased through the Reserve Bank of India and kept with the said Bank for custody for a minimum period of two years ; and

(iii) the amount of any income-tax, interest or penalty or any other sum due from such person under this Act on the date of receipt of such income, profits and gains in the taxable territories is paid within the said three months."

(ii) in *Explanation 2*, the following words shall be added at the end, namely :—

"but any pension payable outside India to a person residing permanently outside India shall not be deemed to accrue or arise in the taxable territories, if the pension is payable to a person referred to in article 314 of the Constitution or to a person, who, having been appointed before the 15th August, 1947, to be a Judge of the Federal Court or of a High Court within the meaning of the Government of India Act, 1935, continues to serve on or after the commencement of the Constitution as a Judge in India."

(b) in sub-section (3),—

(i) for clauses (i) and (ia), the following clause shall be substituted, namely :—

"(i) Subject to the provisions of clause (c) of sub-section (1) of section 16, any income derived from property held under trust or other legal obligation wholly for religious or charitable purposes, in so far as such income is applied or accumulated for application to such religious or charitable purposes as relate to anything done within the taxable territories, and in the case of property so held in part only for such purposes, the income applied or finally set apart for application thereto ;

Provided that such income shall be included in the total income—

(a) if it is applied to religious or charitable purposes without the taxable territories, but the Central Board of Revenue may, in the case of property held under trust or other legal obligation created before the commencement of the Indian Income-tax (Amendment) Act, 1953, the income wherefrom is so applied, by general or special order, direct that it shall not be included in the total income ;

(b) in the case of income derived from business carried on on behalf of a religious or charitable institution, unless the income is applied wholly for the purposes of the institution and either—

(i) the business is carried on in the course of the actual carrying out of a primary purpose of the institution, or

(ii) the work in connection with the business is mainly carried on by beneficiaries of the institution ;

(c) if it is applied to purposes other than religious or charitable purposes or ceases to be accumulated or set apart for application thereto in which case it shall be deemed to be the income of the year in which it is so applied or ceases to be so accumulated or set apart” ;

(ii) in clause (xii), for the figures “1952” the figures “1954” shall be substituted ;

(iii) after clause (xiii), the following clauses shall be inserted, namely :—

“(xiv) Any income received by an employee of a foreign enterprise, not engaged in any trade or business in the taxable territories, as remuneration for services rendered by him during the course of his stay in the taxable territories, where such stay does not exceed in the aggregate a period of ninety days in any year and where such remuneration is not liable to be deducted from the income, profits and gains chargeable under this Act

(xv) Any income received as remuneration, whether directly or indirectly, from the Government of a foreign State by any person who is assigned to duties in India in connection with any co-operative technical assistance programmes and projects in accordance with an agreement entered into by the Central Government and the Government of that foreign State, (the terms whereof provide for the exemption given by this clause) and any other income of such person or of the members of his family accompanying him to India, which accrues or arises without the taxable territories, and is not deemed to accrue or arise in the taxable territories, upon which such person or the members of his family are required to pay any income or social security tax to the Government of that foreign State.

(xvi) Any income from interest on, or from premium on the redemption of, any bonds issued by the Central Government under a loan agreement between the Central Government and the International Bank for Reconstruction and Development, or by any industrial undertaking or financial corporation in India under a loan agreement with the said Bank which is guaranteed by the Central Government, except where the holder of such bond is a person resident in the taxable territories.

(xvii) Interest on the 3½ per cent. Ten Year Treasury Savings Deposit Certificates issued by or under the authority of the Central Government for an amount not exceeding the maximum amount which an assessee is entitled to deposit in such certificates.

(xviii) Interest on securities held by the Issue Department of the Central Bank of Ceylon constituted under the Ceylon Monetary Law Act, 1949.

(xix) Any daily allowance received by any person, by reason of his membership of the Dominion Legislature or of the Constituent Assembly or of Parliament or of any Provincial or State Legislature or of any Committee thereof.” ;

(c) in the last paragraph, in the definition of “charitable purpose”, the word, letters and brackets “clause (1a)” shall be omitted, and for the

words "income of a private religious trust" the words "income from property held under a trust or other legal obligation for private religious purposes" shall be substituted.

(2) The amendments made by sub-clause (iii) of clause (b) of sub-section (1) shall be deemed to be operative in relation to all assessments for any year whether such assessments have or have not been completed before the commencement of the Indian Income-tax (Amendment) Act, 1953.

4. *Amendment of section 5, Act XI of 1922.*—In section 5 of the principal Act,—

(a) in sub-section (1),—

(i) after clause (a), the following clause shall be inserted, namely :—

"(aa) Directors of Inspection," ;

(ii) after clause (d), the following clause shall be inserted, namely :—

"(e) Inspectors of Income-tax," ;

(b) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) The Central Government may appoint as many Directors of Inspection as it thinks fit, and Directors of Inspection shall, subject to the control of the Central Board of Revenue, perform such functions of any other Income-tax authority as may be assigned to them by the Central Government," ;

(c) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Central Government may appoint as many Commissioners of Income-tax as it thinks fit and they shall perform their functions in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as the Central Board of Revenue may direct, and where such directions have assigned to two or more Commissioners of Income-tax the same area or the same persons or classes of persons or the same income or classes of incomes or the same cases or classes of cases, they shall have concurrent jurisdiction subject to any order which the Central Board of Revenue may make for the distribution and allocation of work to be performed," ;

(d) for sub-section (3), the following sub-sections shall be substituted, namely :—

"(3) The Central Government may appoint as many Appellate or Inspecting Assistant Commissioners of Income-tax and Income-tax Officers of Class I service as it thinks fit, and the Commissioner may, subject to the rules and orders of the Central Government regulating the conditions of service of persons in public services and posts, appoint as many Income-tax Officers of Class II service and Inspectors of Income-tax as may, from time to time, be sanctioned by the Central Government.

(3A) Subject to the rules and orders of the Central Government regulating the conditions of service of persons in public services and posts, an income-tax authority may appoint such executive or ministerial staff as may be necessary to assist it in the execution of its functions."

(e) in the second sentence of sub-section (5), the words "with the previous approval of the Central Board of Revenue" shall be omitted ;

(f) after sub-section (5), the following sub-section shall be inserted, namely :—

"(5A) Inspectors of Income-tax shall perform such functions in the execution of this Act as are assigned to them by the Income-tax Officer or other income-tax authority under whom they are appointed to work, and

shall be subordinate to such officer or authority.”;

(g) for sub-section (7), the following sub-section shall be substituted, namely :—

“(7) For the purposes of this Act,—

(i) Inspecting Assistant Commissioners shall be subordinate to the Director of Inspection and to the Commissioner of Income-tax within whose jurisdiction they perform their functions ;

(ii) Income-tax Officers shall be subordinate to the Director of Inspection, the Commissioner of Income-tax and the Inspecting Assistant Commissioner of Income-tax within whose jurisdiction they perform their functions.”;

(h) after sub-section (7A), the following sub-sections shall be inserted, namely :—

“(7B) The Director of Inspection, the Commissioner or the Inspecting Assistant Commissioner as the case may be, may issue such instructions as he thinks fit for the guidance of any Income-tax Officer subordinate to him in the matter of any assessment, and for the purposes of making any inquiry under this Act (which he is hereby empowered to do), the Director of Inspection, the Commissioner and the Inspecting Assistant Commissioner shall have all the powers that an Income-tax Officer has under this Act in relation to the making of inquiries.

(7C) Whenever in respect of any proceeding under this Act an Income-tax authority ceases to exercise jurisdiction and is succeeded by another who has and exercises jurisdiction, the Income-tax authority so succeeding may continue the proceeding from the stage at which the proceeding was left by his predecessor :

Provided that the assessee concerned may demand that before the proceeding is so continued the previous proceeding or any part thereof be re-opened or that before any order for assessment is passed against him he be re-heard :

Provided further that in computing the period of limitation for the purposes of sub-section (3) of section 34, the time taken in re-opening the whole or any part of the proceeding or in giving an opportunity to the assessee to be re-heard under the preceding proviso shall be excluded.”

5. *Amendment of section 5A, Act XI of 1922.*—In section 5A of the principal Act,—

(a) in sub-section (2), the proviso shall be omitted :

(b) in sub-section (3), for the words beginning with “A judicial member shall be” and ending with the words and figures “the Auditors Certificates Rules, 1932 :”, the following shall be substituted, namely :—

“A judicial member shall be a person who has for at least ten years either held a civil judicial post or been in practice as an advocate of a High Court, and an accountant member shall be a person who has for at least ten years been in the practice of accountancy as a chartered accountant under the Chartered Accountants Act, 1949 (XXXVIII of 1949) or as a registered accountant under any law formerly in force or partly as a registered accountant and partly as a chartered accountant :”;

(c) in sub-section (4), after the word “shall” the word “ordinarily” shall be inserted.

6. *Amendment of section 7, Act XI of 1922.*—In sub-section (1) of section 7 of the principal Act, in the proviso to *Explanation 2*, after the words “liable to income-tax any payment” the words “of death *cum* retirement gratuity received after the 16th day of April, 1950, under the revised Pension Rules of the Central Government or under any similar scheme of a State Government or any payment” shall be inserted.

7. *Amendment of section 9, Act XI of 1922.*—(1). In section 9 of the principal Act,—

(a) in sub-section (1), after clause (ii), the following proviso shall be inserted, namely :—

“Provided that for the purposes of making any assessment for the year ending on the 31st day of March, 1952, in respect of the property situated in an area affected by the Assam earth-quake of 1950, the allowance on account of repairs referred to in clauses (i) and (ii) shall be increased up to a maximum of one half of the annual value thereof or the amount of expenditure proved to have been actually incurred for repairs, whichever is the less” ;

(b) for the first proviso to sub-section (2), the following proviso shall be substituted, namely :—

“Provided that, where the property is in the occupation of the owner for the purposes of his own residence, the annual value shall be determined in the same manner as if the property had been let to a tenant, so however that, where the sum so determined exceeds ten per cent. of the total income of the owner, the annual value of the property shall be deemed to be ten per cent. of such total income”.

(2) The amendments made by clause (a) of sub-section (1) shall be deemed to be operative for any assessment for the year ending on the 31st day of March, 1952, whether made before or after the commencement of this Act, and where any such assessment has been made before such commencement the Income-tax Officer concerned shall revise it, wherever necessary, to give effect to this amendment.

8. *Amendment of section 10, Act XI of 1922.*—In section 10 of the principal Act,—

(a) in sub-section (2),—

(i) in sub-clause (a) of clause (vi), for the figures “1952”, the figures “1954” shall be substituted, and in clause (b) of the proviso to that clause, for the words “where full” the words “where, in the assessment of the assessee or if the assessee is a registered firm, in the assessment of its partners, full” shall be substituted ;

(ii) in clause (via), for the words and figures “in the assessments for each of the five years commencing on the 1st day of April, 1949, and ending with the 31st day of March, 1954”, the words and figures “in not more than five successive assessments for the financial years next following the previous year in which such buildings are erected and such machinery and plant installed and falling within the period commencing on the 1st day of April, 1949, and ending on the 31st day of March, 1959” shall be substituted, and in the proviso to that clause, for the words and figures “on the 31st day of March, 1953” the words “on the 31st day of March immediately preceding the last financial year in which the further sum referred to in this clause is admissible” and for the words “in the assessment for the year commencing next after that date”, the words “in the assessment for such last financial year” shall respectively be substituted ;

(iii) in clause (xv), for the words and brackets “(not being in the nature of capital expenditure or personal expenses of the assessee)” the words and brackets “(not being an allowance of the nature described in any of the clauses (i) to (xiv) inclusive, and not being in the nature of capital expenditure or personal expenses of the assessee)” shall be substituted ;

(b) in sub-section (5),—

(i) after clause (b), the following clause shall be inserted, namely:—

"(c) in the case of assets acquired by the assessee by way of gift or inheritance, the 'written-down-value' as in the case of the previous owner or the market value thereof, whichever is the less;" and

(ii) at the end; the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this sub-section, the expression "actual cost" means the actual cost of the assets to the assessee reduced by that portion of the cost thereof, if any, as has been met directly or indirectly by Government or by any public or local authority, and any allowance in respect of any depreciation carried forward under clause (b) of the proviso to clause (vi) of sub-section (2) shall be deemed to be depreciation 'actually allowed';".

9. *Amendment of section 14, Act XI of 1922.*—In section 14 of the principal Act, in clause (c) of sub-section (2), for the words and letter "Part B State" the words "the State of Jammu and Kashmir" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1950.

10. *Amendment of section 15C, Act XI of 1922.*—In section 15C of the principal Act,—

(a) in sub-section (2);—

(i) in clause (ii), for the word "three" the word "six" shall be substituted;

(ii) for clauses (iii) and (iv) beginning with the word "employs" and ending with the words "by human agency", the following shall be substituted, namely:—

"(iii) employs ten or more workers in a manufacturing process carried on with the aid of power, or employs twenty or more workers in a manufacturing process carried on without the aid of power.";

(b) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) The provisions of this section shall apply to the assessment for the financial year next following the previous year in which the assessee begins to manufacture or produce articles and for the four assessments immediately succeeding."

11. *Amendment of section 17, Act XI of 1922.*—In sub-section (1) of section 17, after the first proviso, the following further proviso shall be inserted, namely:—

"Provided further that where any such person satisfies the Income-tax Officer that he was prevented by sufficient cause from making such declaration on the first occasion on which he became assessable and his failure to make such declaration has not resulted in reducing his liability to tax for any year, the Income-tax Officer may, with the previous approval of the Inspecting Assistant Commissioner, allow such person to make the declaration at any time after the expiry of the period specified, and such declaration shall have effect in relation to the assessment for the year in which the declaration is made (if such assessment had not been completed before such declaration) and all assessments thereafter."

12. *Amendment of section 18, Act XI of 1922.*—In section 18 of the principal Act,—

(a) in sub-section (2B), for the words "at the rate or rates applicable to the estimated income of the assessee under this head", the following shall be substituted, namely:—

"on the estimated income of the assessee under this head in accordance with the provisions of clause (b) of sub-section (1) of section 17:

Provided that where—

(i) the person not so resident has obtained a certificate in writing from the Income-tax Officer (which certificate the Income-tax Officer shall be bound to give in every proper case on the application of the assessee) stating that income-tax and super-tax may be deducted at the rates specified therein, or

(ii) the Income-tax Officer has, by an order in writing, required the person responsible for making payment to deduct income-tax and super-tax at the rates specified in that order, the person responsible for making payment shall, until such certificate or order is cancelled by the Income-tax Officer, deduct income-tax and super-tax at the rates specified in such certificate or order, as the case may be.”;

(b) for sub-sections (3A), (3B), (3C), (3D) and (3E), the following sub-sections shall be substituted, namely:—

“(3A) The person responsible for paying any income chargeable under the head “Interest on securities” to a person whom he has no reason to believe to be resident in the taxable territories, shall, at the time of payment, deduct super-tax on the amount of such interest—

(i) if such person is a company, at the rate applicable to a company,

(ii) if such person is not a company, in accordance with the provisions of clause (b) of sub-section (1) of section 17 :

Provided that where such person is not a company, the proviso to sub-section (2B) shall apply to the deduction of super-tax under this sub-section as it applies to the deduction of super-tax under sub-section (2B).

(3B) Any person responsible for paying to a person not resident in the territories any interest not being “Interest on securities” or any other sum chargeable under the provisions of this Act shall, at the time of payment unless he is himself liable to pay any income-tax and super-tax thereon as an agent, deduct income-tax at the maximum rate and super-tax at the rate applicable to a company or in accordance with the provisions of sub-clause (b) of sub-section (1) of section 17, as the case may be :

Provided that where the person not resident is not a company, the proviso to sub-section (2B) shall apply to the deduction of income-tax and super-tax under this sub-section as it applies to the deduction of income-tax and super-tax under sub-section (2B) :

Provided further that nothing in this section shall apply to any payment made in the course of transactions in respect of which a person responsible for the payment is deemed under the first proviso to section 43 not to be an agent of the payee.

(3C) Where the person responsible for paying any sum chargeable under this Act other than interest, to a person not resident in the taxable territories, considers that the whole of such sum would not be income chargeable in the case of the recipient, he may make an application to the Income-tax Officer to determine, by general or special order, the appropriate proportion of such sum so chargeable and upon such determination tax shall be deducted therefrom by the person responsible for making such payment in accordance with the provisions of sub-section (3B).

(3D) The principal officer of an Indian company or a company which has made such effective arrangements as may be prescribed for the deduction of super-tax from dividends shall, at the time of paying any dividend to a shareholder whom the principal officer has no reason to believe to be resident in the taxable territories, deduct super-tax on the amount of such dividend as increased in accordance with the provisions of sub-section (2) of section 16—

(i) If the shareholder is a company, at the rate applicable to a company,

- (ii) if the shareholder is a person other than a company, in accordance with the provisions of clause (b) of sub-section (1) of section 17 :

Provided that in the case of a shareholder other than a company, the proviso to sub-section (2B) shall apply to the deduction of super-tax under this sub-section as it applies to the deduction of super-tax under sub-section (2B).” ;

(c) in sub-section (5), after the words “Any deduction made” the words “and paid to the account of the Central Government” shall be inserted ; after the words “given to him therefor” the words “on the production of the certificate furnished under sub-section (9) or section 20, as the case may be,” shall be inserted, and after the second proviso, the following further proviso shall be inserted, namely :—

“Provided further that where any security or share in a company is owned jointly by two or more persons not constituting a partnership, credit in respect of the tax deducted or in respect of any sum by which the dividend has been increased under sub-section (2) of section 16, may be given to each such person in the same proportion in which the interest on such security or dividend on such share has been included in his total income.” ;

(d) in sub-section (7), for the words, brackets, figures and letters “sub-sections (3D) and (3E)” the word, brackets, figure and letter “sub-section (3D)” shall be substituted ;

(e) in sub-section (9), for the brackets, figures, letters and word “(3C), (3D) or (3E)”, the word, brackets, figure and letter “or (3D)” shall be substituted ;

(f) after sub-section (9), the following *Explanation* shall be inserted, namely :—

“*Explanation.*—For the purposes of this section and section 20A, the expression ‘person responsible for paying’ means—

(i) in the case of payments of income chargeable under the head ‘Salaries’ other than payments by the Central Government or the Government of a State, the employer himself or if the employer is a company, the company itself including the principal officer thereof ;

(ii) in the case of payments of income chargeable under the head ‘Interest on securities’, other than payments made by or on behalf of the Central Government or the Government of a State, the local authority or company including the principal officer thereof ;

(iii) in the case of payment of interest not being ‘Interest on securities’, the payer himself or if the payer is a company, the company itself including the principal officer thereof.”

13. *Amendment of section 18A, Act XI of 1922.*—In section 18A of the principal Act,—

(a) in sub-section (1) (a), for the words “if that total income exceeded six thousand rupees”, the words “if that total income exceeded the maximum amount not chargeable to tax in his case by two thousand five hundred rupees” shall be substituted ;

(b) in sub-section (3), for the words “is likely to exceed six thousand rupees,” the words “is likely to exceed the maximum amount not chargeable to tax in his case by two thousand five hundred rupees,” shall be substituted ;

(c) to sub-section (5), the following further proviso shall be added, namely :—

“Provided further that for any period beginning with the 1st day of April, 1952, interest shall be payable only on the amount by which the

aggregate sum of any instalments paid during any financial year in which they are payable under this section exceeds the amount of the tax determined on regular assessment calculated as hereunder—

(i) in respect of such instalments paid in any financial year before the said date, from the said date to the date of the regular assessment ;

(ii) in respect of such instalments paid after the said date, from the beginning of the financial year next following to the date of the regular assessment. ”;

(d) in sub-section (6),—

(i) in the first proviso after the word “Provided”, the word “further” shall be inserted and before that proviso, the following proviso shall be inserted, namely :—

“Provided that for any period after the 31st day of March, 1952, interest shall be payable at the rate of four per cent. per annum :” ;

(ii) after the last proviso, the following further proviso shall be inserted, namely :—

“Provided further that in such cases and under such circumstances as may be prescribed, the Income-tax Officer may reduce or waive the interest payable by the assessee.”

14. Amendment of section 22, Act XI of 1922.—In section 22 of the principal Act,—

(a) after sub-section (2), the following sub-section shall be inserted, namely :

“(2A). If any person, who has not been served with a notice under sub-section (2) has sustained a loss of profits or gains in any year under the head ‘Profits and gains of business, profession or vocation’, and such loss or any part thereof would ordinarily have been carried forward under sub-section (2) of section 24, he shall, if he is to be entitled to the benefit of the carry forward of loss in any subsequent assessment, furnish within the time specified in the general notice given under sub-section (1) or within such further time as the Income-tax Officer in any case may allow, all the particulars required under the prescribed form of return of total income and total world income in the same manner as he would have furnished a return under sub-section (1) had his income exceeded the maximum amount not liable to income-tax in his case, and all the provisions of this Act shall apply as if it were a return under sub-section (1).” ;

(b) in sub-section (4), after the words “such accounts or documents as the Income-tax Officer may require” the following shall be inserted, namely :—

“or to furnish in writing and verified in the prescribed manner information in such form and on such points or matters (including, with the previous approval of the Commissioner, a statement of all assets and liabilities, not included in the accounts) as the Income-tax Officer may require for the purposes of this section :”.

15. Amendment of section 24, Act XI of 1922.—In section 24 of the principal Act,—

(a) in sub-section (1), for the first proviso, the following proviso shall be substituted, namely :—

“Provided that in computing the income, profits and gains chargeable under any head or the loss of profits and gains falling under any head, so much of any loss of profits and gains as would but for the loss have accrued or arisen within the State of Jammu and Kashmir, shall not be taken into account except to the extent of the amount of income, profits

and gains, if any, which would be exempt under the provisions of clause (c) of sub-section (2) of section 14.

(b) in sub-section (2).—

(i) for the words “under the head ‘Profits and gains of business, profession or vocation,’” the words “in any business, profession or vocation” shall be substituted and for the words “the portion not so set off” the words “so much of the loss as is not so set off or the whole loss where the assessee had not other head of income” shall be substituted;

(ii) for clause (a) of the proviso, the following clause shall be substituted, namely :—

“(a) where the loss sustained is in any business, profession or vocation, so much of such loss as is referred to in the first proviso to sub-section (1) shall not be set off except against the profits and gains accruing or arising in the State of Jammu and Kashmir from the same business, profession or vocation and exempt from tax under the provisions of clause (c) of sub-section (2) of section 14.”

16. *Amendment of section 30 Act XI of 1922.*—In section 30 of the principal Act, in sub-section (1A), the brackets, figures, letters and word “3A” and “or(3C)” shall be omitted.

17. *Amendment of section 33A, Act XI of 1922.*—In section 33A of the principal Act,—

(i) in sub-section (2), after the words “made within one year from the date of the order” the words and brackets “(or within such further period, as the Commissioner may think fit to allow on being satisfied that the assessee was prevented by sufficient cause from making the application within that period)” shall be inserted; and

(ii) after sub-section (2), the following *Explanation* shall be inserted, namely :—

“*Explanation.*—For the purposes of sub-sections (1) and (2), the Appellate Assistant Commissioner shall be deemed to be an authority subordinate to the Commissioner.”

18. *Amendment of section 34, Act XI of 1922.*—In section 34 of the principal Act,—

(a) in the proviso to sub-section (2), the words “of the High Court or of the Privy Council” shall be omitted and for the figures and word “66 and” the figures and word “66 or” shall be substituted;

(b) in the second proviso to sub-section (3) for the words “sub-section”, the words “section limiting the time within which any action may be taken or any order, assessment or re-assessment may be made” shall be substituted, and for the words “in pursuance of”, the words “to an assessment or re-assessment made on the assessee or any person in consequence of or to give effect to any finding or direction contained in” shall be substituted.

19. *Amendment of section 35, Act XI of 1922.*—In section 35 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely :—

“(5) Where in respect of any completed assessment of a partner in a firm it is found on the assessment or re-assessment of the firm or on any reduction or enhancement made in the income of the firm under section 31, section 33, section 33A, section 33B, section 66 or section 66A that the share of the partner in the profit or loss of the firm has not been included in the assessment of the partner or, if included, is not correct, the inclusion of the share in the assessment or the correction thereof, as the case may be, shall be deemed to be a rectification of a mistake appa-

rent from the record within the meaning of this section, and the provisions of sub-section (1) shall apply thereto accordingly, the period of four years referred to in that sub-section being computed from the date of the final order passed in the case of the firm.

(6) Where the excess profits tax or the business profits tax payable by an assessee has been modified in appeal, revision or any other proceeding, or where any excess profits tax or business profits tax has been assessed after the completion of the corresponding assessment for income-tax [whether before or after the commencement of the Indian Income-tax (Amendment) Act, 1953], and in consequence thereof it is necessary to re-compute the total income of the assessee chargeable to income-tax, such recomputation shall be deemed to be a rectification of a mistake apparent from the record within the meaning of this section, and the provisions of sub-section (1) shall apply accordingly, the period of four years referred to in that sub-section being computed from the date of the order making or modifying the assessment of such excess profits tax or business profits tax.

Explanation.—For the purposes of sub-section (6), where the assessee is a firm, the provisions of sub-section (5) shall also apply as they apply to the rectification of the assessment of the partners of the firm.

(7) Where the assessment of a company in whose case an order under section 23A has been made is modified in appeal, revision or any other proceeding or the order under section 23A is cancelled, or varied, and in consequence thereof it is necessary to re-compute the total income of the shareholders, such recomputation shall be deemed to be a rectification of a mistake apparent from the record within the meaning of this section, and the provisions of sub-section (1) shall apply thereto accordingly, the period of four years referred to in that sub-section being computed from the date of the final order passed in the case of the company."

20. *Amendment of section 37, Act XI of 1922.*—Section 37 of the principal Act shall be numbered as sub-section (1) of that section, and after sub-section (1) as numbered the following sub-section shall be inserted, namely :—

"(2) Subject to any rules made in this behalf, any authority referred to in sub-section (1) may impound and retain in its custody for such period as it thinks fit any books of account or other documents produced before it in any proceeding under this Act :

Provided that an Income-tax Officer shall not—

(a) impound any books of accounts or other documents without recording his reasons for so doing ; or

(b) retain in his custody any such books or documents for a period exceeding fifteen days (exclusive of holidays) without obtaining the approval of the Commissioner therefor."

21. *Amendment of section 46, Act XI of 1922.*—In sub-section (7) of section 46 of the principal Act, for the proviso, the following provisos and *Explanation* shall be substituted, namely :—

"Provided that the period of one year herein referred to shall —

(i) where an assessee has been treated as not being in default under section 45 as long as his appeal is undisposed of, be reckoned from the date on which the appeal is disposed of ;

(ii) where recovery proceedings in any case have been stayed by any order of a court, be reckoned from the date from which the order is withdrawn ;

(iii) where the date of payment of tax has been extended by an income-tax authority, be reckoned from the date up to which the time

for payment had been extended ;

(iv) where the sum payable is allowed to be paid by instalments, from the date on which the last of such instalments was due :

Provided further that nothing in the foregoing proviso shall have the effect of reducing the period within which proceedings for recovery can be commenced, namely, after the expiration of one year from the last day of the financial year in which the demand is made.

Explanation.—A proceeding for the recovery of any sum shall be deemed to have commenced within the meaning of this section, if some action is taken to recover the whole or any part of the sum within the period hereinbefore referred to, and for the removal of doubts it is hereby declared that the several modes of recovery specified in this section are neither mutually exclusive, nor affect in any way any other law for the time being in force relating to the recovery of debts due to Government, and it shall be lawful for the Income-tax Officer, if for any special reasons to be recorded he so thinks fit, to have recourse to any such mode of recovery notwithstanding that the tax due is being recovered from an assessee by any other mode."

22. *Insertion of new section 46A in Act XI of 1922.*—After section 46 of the principal Act, the following section shall be inserted, namely :—

'46A. *Persons leaving India to obtain tax clearance certificates.*—(1) Subject to such exceptions as may be made by the Central Government, no person who is not domiciled in India, or who, even if domiciled in India at the time of his departure, has, in the opinion of an Income-tax authority, no intention of returning to India, shall leave the territory of India by land, sea or air unless he first obtains from such authority as may be appointed by the Central Government in this behalf (hereinafter in this section referred to as the "competent authority") a certificate stating that he has no liabilities under this Act, the Excess Profits Tax Act, 1940 (XV of 1940), or the Business Profits Tax Act, 1947 (XXI of 1947), or that satisfactory arrangements have been made for the payment of all or any of such taxes which are or may become payable by that person :

Provided that if the competent authority is satisfied that such person intends to return to India, he may issue an exemption certificate either in respect of a single journey or in respect of all journeys to be undertaken by that person within such period as may be specified in that certificate.

(2) If the owner or charterer of any ship or aircraft carrying persons from any place in the territory of India to any place outside the territory allows any person to whom sub-section (1) applies, to travel by such ship or aircraft without first satisfying himself that such person is in possession of a certificate as required by that sub-section, he shall be personally liable to pay the whole or any part of the amount of tax, if any, payable by such person as the Income-tax Officer may, having regard to the circumstances of the case, determine.

Explanation.—For the purposes of this sub-section the expressions "owner" and "charterer" include any representative, agent or employee empowered by the owner or charterer to allow persons to travel by the ship or aircraft.

(3) In respect of any sum payable by the owner or charterer of any ship or aircraft under sub-section (2), the owner or charterer, as the case may be, shall be deemed to be an assessee in default within the meaning of sub-section (1) of section 46.

(4) The Central Government may make rules for regulating any matter necessary for, or incidental to, the purpose of carrying out the provisions of this section.'

23. Amendment of section 49B, Act XI of 1922.—Section 49B of the principal Act shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely :—

“(2) For the purposes of sub-section (1), income-tax shall be deemed to include agricultural income-tax assessed on a company by any State Government other than the Government of Jammu and Kashmir, and where any shareholder proves that the company has been so assessed to agricultural income-tax, he shall be entitled to the reduction from the tax payable by him under this Act of a sum equal to—

(a) the appropriate agricultural income-tax (reduced by the amount of refund, if any, allowed to him by the State Government), or

(b) the appropriate Indian income-tax on the amount of the dividend which has not been increased under sub-section (2) of section 16, whichever is the less.

Explanation.—In this sub-section,—

(a) ‘appropriate agricultural income-tax’ means such proportion of the agricultural income-tax as the amount of dividend which has not been increased under sub-section (2) of section 16 bears to the total profits of the company assessed to agricultural income-tax; and

(b) ‘appropriate Indian income-tax’ means such proportion of the income-tax payable by the shareholder under this Act as the amount of dividend which has not been increased under sub-section (2) of section 16 bears to the total income of the shareholder.”

24. Amendment of section 49D, Act XI of 1922.—For section 49D of the principal Act, the following section shall be substituted, namely :—

‘49D. Relief in respect of incomes accruing or arising outside the taxable territories.—(1) If any person who is resident in the taxable territories in any year proves that, in respect of his income which accrues or arises during that year without the taxable territories (and which is not deemed to accrue or arise in the taxable territories), he has paid in any country, with which there is no reciprocal arrangement for relief or avoidance of double taxation, income-tax, by deduction or otherwise, under the law in force in that country, he shall be entitled to the deduction from the Indian income-tax payable by him of a sum calculated on such doubly taxed income at the Indian rate of tax or the rate of tax of the said country, whichever is the lower.

(2) The Central Government may, by notification in the Official Gazette, declare that the provisions of sub-section (1) shall also apply in relation to any such income accruing or arising in the United Kingdom and chargeable under this Act for the year ending on the 31st day of March, 1950, or for the year ending on the 31st day of March, 1951, or for the year ending on the 31st day of March, 1952.

Explanation.—In this section,—

(i) the expression “Indian income-tax” means income-tax and super-tax charged in accordance with the provisions of this Act;

(ii) the expression “Indian rate of tax” means the rate determined by dividing the amount of Indian income-tax after deduction of any relief due under the other provisions of this Act but before deduction of any relief due under this section, by the total income;

(iii) the expression “rate of tax of the said country” means income-tax and super-tax actually paid in the said country in accordance with the corresponding laws of the said country after deduction of all reliefs due, but before deduction of any relief due in the said country in respect

of double taxation, divided by the whole amount of the income assessed in the said country ;

(iv) the expression "income-tax in relation to any country" includes any excess profits tax or business profits tax charged on the profits by the Government of that country and not by the Government of any part of that country or a local authority in that country.'

25. *Amendment of section 49E, Act XI of 1922.*—In section 49E of the principal Act, for the words "against the tax" the words "against the tax, interest or penalty" shall be substituted.

26. *Amendment of section 54, Act XI of 1922.*—In sub-section (3) of section 54 of the principal Act,—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) of any such particulars to any person acting in the execution of this Act or of the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), where it is necessary or desirable to disclose the same to him for the purposes of either this Act or the Taxation on Income (Investigation Commission) Act, 1947," ; or

(ii) in clause (d), after the word "Government" the words "or any Income-tax authority" shall be inserted and after the words "under this Act", the words "or under any other law for the time being in force authorising any Income-tax authority to exercise any powers thereunder" shall be inserted ;

(iii) in clause (gg), for the words "registered accountant" the words "chartered accountant" shall be substituted.

27. *Amendment of section 58C, Act XI of 1922.*—In sub-section (1) of section 58C of the principal Act,—

(i) to clause (d), the following proviso shall be added, namely :—

"Provided that the fund may consist also of the accumulated balance due to an employee who has ceased to be an employee, and of interest (simple and compound) in respect thereof where such balance is retained in the fund in accordance with the provisions of clause (g)." ;

(ii) in clause (g), after the words "maintaining the fund" the words "unless at the request of the employee made in writing, the trustees of the fund consent to retain the whole or any part of the accumulated balance due to the employee in the fund to be drawn by him at any time on demand" shall be inserted.

28. *Amendment of section 59, Act XI of 1922.*—In sub-section (2) of section 59 of the principal Act, for clauses (c) and (d), the following clause shall be substituted, namely :—

"(c) prescribe the procedure for giving effect to the terms of any agreement for the avoidance of double taxation on income which may be entered into by the Central Government under section 49AA ;"

29. *Amendment of section 66A, Act XI of 1922.*—In sub-section (1) of section 66A of the principal Act, for the words, brackets and figures "and in respect of such case the provisions of section 98 of the Code of Civil Procedure, 1908 (Act V of 1908) shall, so far as may be, apply notwithstanding anything contained in the Letters Patent of any High Court established by Letters Patent or in any other law for the time being in force", the following shall be substituted, namely :—

"and shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges :

Provided that where there is no such majority, the Judges shall state the point of law upon which they differ, and the case shall then be heard upon that point only by one or more of the other Judges of the High

Court, and such point shall be decided according to the opinion of the majority of the Judges who have heard the case, including those who first heard it."

30. Amendment of Schedule, Act XI of 1922.—(1) In the Schedule to the principal Act,—

(a) for the words "Superintendent of Insurance", wherever they occur, the words "Controller of Insurance" shall be substituted ;

(b) in rule 2—

(i) in clause (b), for the words "actuarial valuation made for the last inter-valuation period" the words "actuarial valuation made in accordance with the Insurance Act, 1938 (IV of 1938), in respect of the last inter-valuation period" shall be substituted ;

(ii) for clause (d) of the proviso, the following shall be substituted, namely :—

"(d) in respect of all renewal premiums received during the preceding year an amount calculated at such percentage thereof as is permissible under sub-section (2) of section 40B of the Insurance Act, 1938 (IV of 1938) as reduced by any expenditure which is not admissible under section 10 of this Act";

(c) in clause (a) of rule 3, for the words "one-half" the words "four-fifths" shall be substituted, and in the second proviso for the words "one-half of such amount" the words and brackets "that proportion of such amount (one-half or four-fifths, as the case may be)" shall be substituted;

(d) for rule 8, the following rule shall be substituted, namely :—

"8. The profits and gains of the branches in the taxable territories of a person not resident in the taxable territories and carrying on any business of insurance, may, in the absence of more reliable data be deemed to be that proportion of the world income of such person which corresponds to the proportion which his premium income derived from the taxable territories bears to his total premium income.

For the purposes of this rule, the world income in relation to life insurance business of a person not resident in the taxable territories shall be computed in the manner laid down in these rules for the computation of the profits and gains of life insurance business carried on in the taxable territories."

(2) The amendments made by sub-section (1) shall be deemed to be operative in relation to any assessment subsequent to the assessment for the year ending on the 31st day of March, 1951, whether such assessment has or has not been made before the commencement of this Act and where any such assessment has been made before such commencement it shall be lawful for the Income-tax Officer to revise it, wherever necessary, to give effect to such amendments.

31. Validity of certain notices and assessments.—For the removal of doubts it is hereby declared that the provisions of sub-sections (1), (2) and (3) of section 34 of the principal Act shall apply and shall be deemed always to have applied to any assessment or re-assessment for any year ending before the 1st day of April, 1948, in any case where proceedings in respect of such assessment or re-assessment were commenced under the said sub-sections after the 8th day of September, 1948, and any notice issued in accordance with sub-section (1) or any assessment completed in pursuance of such notice within the time specified in sub-section (3), whether before or after the commencement of the Indian Income-tax (Amendment) Act, 1953, shall, notwithstanding any judgment or order of

any court, Appellate Tribunal or Income-tax authority to the contrary, be deemed to have been validly issued or completed, as the case may be, and no such notice, assessment or re-assessment shall be called in question on the ground merely that the provisions of section 34 did not apply or purport to apply in respect of an assessment or re-assessment for any year prior to the 1st day of April, 1948.

The Industries (Development and Regulation) Amendment Act, 1953.

The following Act of Parliament received the assent of the President on the 26th May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 28th May 1953.

Act No. 26 of 1953.

[26th May, 1953.]

An Act to amend the Industries (Development and Regulation) Act, 1951.

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Industries (Development and Regulation) Amendment Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3, Act LXV of 1951*—In section 3 of the Industries (Development and Regulation) Act, 1951 (hereinafter referred to as the principal Act),—

(i) after clause (b), the following clause shall be inserted, namely :—

“(bb) ‘existing industrial undertaking’ means—

(a) in the case of an industrial undertaking pertaining to any of the industries specified in the First Schedule as originally enacted, an industrial undertaking which was in existence on the commencement of this Act or for the establishment of which effective steps had been taken before such commencement, and

(b) in the case of an industrial undertaking pertaining to any of the industries added to the First Schedule by an amendment thereof, an industrial undertaking which is in existence on the coming into force of such amendment or for the establishment of which effective steps had been taken before the coming into force of such amendment;”;

(ii) after clause (d), the following clause shall be inserted, namely :—

“(dd) ‘new article’, in relation to an industrial undertaking which is registered or in respect of which a licence or permission has been issued under this Act, means—

(a) any article which falls under an item in the First Schedule other than the item under which articles ordinarily manufactured or produced in the industrial undertaking at the date of registration or issue of the licence or permission, as the case may be, fall;

(b) any article which bears a mark as defined in the Trade Marks Act, 1940 (V of 1940), or which is the subject of a patent, if at the date of registration or issue of the licence or permission, as the case may be, the industrial undertaking was not manufacturing or producing such article bearing that mark or which is the subject of that patent”.

3. *Omission of section 4, Act LXV of 1951.*—Section 4 of the principal Act shall be omitted.

4. *Amendment of section 5, Act LXV of 1951.*—In sub-section (4) of section 5 of the principal Act, clause (b) shall be omitted.

5. *Amendment of section 10, Act LXV of 1951.*—In section 10 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The owner of every existing industrial undertaking, not being the Central Government shall, within such period as the Central Government may, by notification in the Official Gazette, fix in this behalf with respect to industrial undertakings generally or with respect to any class of them, register the undertaking in the prescribed manner";

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Where an industrial undertaking is registered under this section, there shall be issued to the owner of the undertaking or the Central Government, as the case may be, a certificate of registration containing such particulars as may be prescribed."

6. *Insertion of new section 10A in Act LXV of 1951.*—After section 10 of the principal Act, the following section shall be inserted, namely :—

"10A. *Revocation of registration in certain cases.*—If the Central Government is satisfied that the registration of any industrial undertaking has been obtained by misrepresentation as to an essential fact or that any industrial undertaking has ceased to be registrable under this Act by reason of any exemption granted under this Act becoming applicable thereto or that for any other reason the registration has become useless or ineffective and therefore requires to be revoked, the Central Government may after giving an opportunity to the owner of the undertaking to be heard revoke the registration."

7. *Insertion of new section 11A in Act LXV of 1951.*—After section 11 of the principal Act, the following section shall be inserted, namely :—

"11A. *Licence for producing or manufacturing new articles.*—The owner of an industrial undertaking not being the Central Government which is registered under section 10 or in respect of which a licence or permission has been issued under section 11 shall not produce or manufacture any new article unless—

(a) in the case of an industrial undertaking registered under section 10, he has obtained a licence for producing or manufacturing such new article ; and

(b) in the case of an industrial undertaking in respect of which a licence or permission has been issued under section 11, he has had the existing licence or permission amended in the prescribed manner."

8. *Amendment of section 12, Act LXV of 1951.*—In section 12 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) The provisions of this section shall apply in relation to a licence issued under section 11A or where a licence has been amended under that section, to the amendment thereof, as they apply in relation to a licence issued under section 11."

9. *Substitution of new section for section 13 in Act LXV of 1951.*—For section 13 of the principal Act, the following section shall be substituted, namely :—

"13. *Further provision for licensing of industrial undertakings in special cases.*—(1) No owner of an industrial undertaking, other than the Central Government, shall—

(a) in the case of an industrial undertaking required to be registered under section 10, but which has not been registered within the time fixed for the purpose under that section, carry on the business of that undertaking after the expiry of such period, or

(b) in the case of an industrial undertaking the registration in respect of which has been revoked under section 10A on the ground that it had

been obtained by misrepresentation as to an essential fact, carry on the business of the undertaking after the revocation, or

(c) in the case of an industrial undertaking to which the provisions of this Act did not originally apply but became applicable after the commencement of this Act for any reason, carry on the business of the undertaking after the expiry of three months from the date on which the provisions of this Act became so applicable, or

(d) effect any substantial expansion of an industrial undertaking which has been registered, or

(e) change the location of the whole or any part of an industrial undertaking which has been registered, except under, and in accordance with, a licence issued in that behalf by the Central Government, and, in the case of a State Government, except under and in accordance with the previous permission of the Central Government.

(2) The provisions of sub-section (2) of section 11 and of section 12 shall apply, so far as may be, in relation to the issue of licences or permissions to any industrial undertaking referred to in this section as they apply in relation to the issue of licences or permissions to a new industrial undertaking.

Explanation.—For the purposes of this section, ‘substantial expansion’ means the expansion of an existing industrial undertaking which substantially increases the productive capacity of the undertaking, or which is of such a nature as to amount virtually to a new industrial undertaking, but does not include any such expansion as is normal to the undertaking, having regard to its nature and the circumstances relating to such expansion.”

10. *Amendment of section 14, Act LXV of 1951.*—In section 14 of the principal Act, for the words and figures ‘section 11 or section 13’ the words, figures and letter ‘section 11, section 11A or section 13’ shall be substituted.

11. *Amendment of section 15, Act LXV of 1951.*—In section 15 of the principal Act, for clause (b), the following clause shall be substituted, namely :—

“(b) any industrial undertaking is being managed in a manner highly detrimental to the scheduled industry concerned or to public interest ;”

12. *Omission of section 17, Act LXV of 1951.*—Section 17 of the principal Act shall be omitted.

13. *Insertion of Chapters IIIA and IIIB in Act LXV of 1951.*—After Chapter III of the principal Act, the following Chapters shall be inserted, namely :—

“CHAPTER IIIA

DIRECT MANAGEMENT OR CONTROL OF INDUSTRIAL UNDERTAKINGS BY CENTRAL GOVERNMENT IN CERTAIN CASES

18A. *Power of Central Government to assume management or control of an industrial undertaking in certain cases.*—(1) If the Central Government is of opinion that—

(a) an industrial undertaking to which directions have been issued in pursuance of section 16 has failed to comply with such directions, or

(b) an industrial undertaking in respect of which an investigation has been made under section 15 (whether or not any directions have been issued to the undertaking in pursuance of section 16), is being managed in a manner highly detrimental to the scheduled industry concerned or to public interest,

the Central Government may, by notified order, authorise any person or body of persons to take over the management of the whole or any part of

the under taking or to exercise in respect of the whole or any part of the undertaking such functions of control as may be specified in the order.

(2) Any notified order issued under sub-section (1) shall have effect for such period not exceeding five years as may be specified in the order :

Provided that the Central Government, if it is of opinion that it is expedient in public interest so to do, may direct that any such notified order shall continue to have effect after the expiry of the period of five years aforesaid for such further period as may be specified in the direction and where any such direction is issued, a copy thereof shall be laid, as soon as may be, before both Houses of Parliament.

Explanation.—The power to authorise a body of persons under this section to take over the management of an industrial undertaking which is a company includes also a power to appoint any individual, firm or company to be the managing agent of the industrial undertaking on such terms and conditions as the Central Government may think fit.

18B. *Effect of notified order under section 18A.*—(1) On the issue of a notified order under section 18A authorising the taking over of the management of an industrial undertaking,—

(a) all persons in charge of the management, including persons holding office as managers or directors of the industrial undertaking immediately before the issue of the notified order, shall be deemed to have vacated their offices as such ;

(b) any contract of management between the industrial undertaking and any managing agent or any director thereof holding office as such immediately before the issue of the notified order shall be deemed to have been terminated ;

(c) the managing agent, if any, appointed under section 18A shall be deemed to have been duly appointed as the managing agent in pursuance of the Indian Companies Act, 1913 (VII of 1913); and the memorandum and articles of association of the industrial undertaking, and the provisions of the said Act and of the memorandum and articles shall, subject to the other provisions contained in this Act, apply accordingly, but no such managing agent shall be removed from office except with the previous consent of the Central Government ;

(d) the person or body of persons authorised under section 18A to take over the management shall take all such steps as may be necessary to take into his or their custody or control all the property, effects and actionable claims to which the industrial undertaking is or appears to be entitled, and all the property and effects of the industrial undertaking shall be deemed to be in the custody of the person or, as the case may be, the body of persons as from the date of the notified order ; and

(e) the persons, if any, authorised under section 18A to take over the management of an industrial undertaking which is a company shall be for all purposes the directors of the industrial undertaking duly constituted under the Indian Companies Act, 1913 (VII of 1913) and shall alone be entitled to exercise all the powers of the directors of the industrial undertaking, whether such powers are derived from the said Act or from the memorandum or articles of association of the industrial undertaking or from any other source.

(2) Subject to the other provisions contained in this Act and to the control of the Central Government, the person or body of persons authorised to take over the management of an industrial undertaking, shall take such steps as may be necessary for the purpose of efficiently managing the business of the industrial undertaking and shall exercise such other

powers and have such other duties as may be prescribed.

(3) Where any person or body of persons has been authorised to exercise any functions of control in relation to an industrial undertaking, the undertaking shall be carried on pursuant to any directions given by the authorised person in accordance with the provisions of the notified order, and any person having any functions of management in relation to the undertaking or part thereof shall comply with all such directions.

(4) The person or body of persons authorised under section 18 shall, notwithstanding anything contained in the memorandum or articles of association of the industrial undertaking, exercise his or their functions in accordance with such directions as may be given by the Central Government so, however, that he or they shall not have any power to give any other person any directions under this section inconsistent with the provisions of any Act or instrument determining the functions of the authority carrying on the undertaking except in so far as may be specifically provided by the notified order.

18C. *Contracts in bad faith, etc., may be cancelled or varied.*—Without prejudice to the provisions contained in section 18B, the person or body of persons authorised under section 18A to take over the management of an industrial undertaking may, with the previous approval of the Central Government, make an application to any court having jurisdiction in this behalf for the purpose of cancelling or varying any contract or agreement entered into, at any time before the issue of the notified order under section 18A, between the industrial undertaking and any other person and the court may, if satisfied after due inquiry that such contract or agreement had been entered into in bad faith and is detrimental to the interests of the industrial undertaking, make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) that contract or agreement, and the contract or agreement shall have effect accordingly.

18D. *No right to compensation for termination of office or contract.*—Notwithstanding anything contained in any law for the time being in force, no person who ceases to hold any office by reason of the provisions contained in clause (a) of section 18B, or whose contract of management is terminated by reason of the provisions contained in clause (b) of that section, shall be entitled to any compensation for the loss of office or for the premature termination of his contract of management :

Provided that nothing contained in this section shall affect the right of any such person to recover from the industrial undertaking moneys recoverable otherwise than by way of such compensation.

18E. *Application of Act VII of 1913.*—(1) Where the management of an industrial undertaking, being a company as defined in the Indian Companies Act, 1913 (VII of 1913), is taken over by the Central Government, then, notwithstanding anything contained in the said Act or in the memorandum or articles or association of such undertaking,—

(a) it shall not be lawful for the shareholders of such undertaking or any other person to nominate or appoint any person to be a director of the undertaking ;

(b) no resolution passed at any meeting of the shareholders of such undertaking shall be given effect to unless approved by the Central Government ;

(c) no proceeding for the winding up of such undertaking or for the appointment of a receiver in respect thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1), and to the

other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Indian Companies Act, 1913 (VII of 1913), shall continue to apply to such undertaking in the same manner as it applied thereto before the issue of the notified order under section 18A.

18F. *Power of Central Government to cancel notified order under section 18A.*—If at any time it appears to the Central Government on the application of the owner of the industrial undertaking or otherwise that the purpose of the order made under section 18A has been fulfilled or that for any other reason it is not necessary that the order should remain in force, the Central Government may, by notified order, cancel such order and on the cancellation of any such order the management or the control, as the case may be, of the industrial undertaking shall vest in the owner of the undertaking.

CHAPTER III-B

CONTROL OF SUPPLY, DISTRIBUTION, PRICE, ETC., OF CERTAIN ARTICLES

18G. *Power to control supply, distribution, price, etc., of certain articles.*—(1) The Central Government, so far as it appears to it to be necessary or expedient for securing the equitable distribution and availability at fair prices of any article or class of articles relatable to any scheduled industry, may, notwithstanding anything contained in any other provision of this Act, by notified order, provide for regulating the supply and distribution thereof and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), a notified order made thereunder may provide—

(a) for controlling the prices at which any such article or class thereof may be bought or sold ;

(b) for regulating by licences, permits or otherwise the distribution, transport, disposal, acquisition, possession, use or consumption of any such article or class thereof ;

(c) for prohibiting the withholding from sale of any such article or class thereof ordinarily kept for sale ;

(d) for requiring any person manufacturing, producing or holding in stock any such article or class thereof to sell the whole or part of the article so manufactured or produced during a specified period or to sell the whole or a part of the articles so held in stock to such person or class of persons and in such circumstances as may be specified in the order ;

(e) for regulating or prohibiting any class of commercial or financial transactions relating to such article or class thereof which in the opinion of the authority making the order are, or if unregulated are likely to be, detrimental to public interest ;

(f) for requiring persons engaged in the distribution and trade and commerce in any such article or class thereof to mark the articles exposed or intended for sale with the sale price or to exhibit at some easily accessible place on the premises the price-lists of articles held for sale and also to similarly exhibit on the first day of every month, or at such other time as may be prescribed, a statement of the total quantities of any such articles in stock ;

(g) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters ; and

(h) for any incidental or supplementary matters, including, in particular, the grant or issue of licences, permits or other documents and the charging of fees therefor.

(3) Where, in pursuance of any order made with reference to clause (d) of sub-section (2), any person sells any article, there shall be paid to him the price therefor—

(a) where the price can consistently with the controlled price, if any, be fixed by agreement, the price so agreed upon ;

(b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any, fixed under this section ;

(c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.

(4) No order made in exercise of any power conferred by this section shall be called in question in any court.

(5) Where an order purports to have been made and signed by an authority in exercise of any power conferred by the section, a court shall within the meaning of the Indian Evidence Act, 1872 (I of 1872), presume that such order was so made by that authority.

Explanation.—In this section, the expression ‘article or class of articles’ relating to any scheduled industry includes any article or class of articles imported into India which is of the same nature or description as the article or class of articles manufactured or produced in the scheduled industry.”

14. *Substitution of new section for section 23 in Act LXV of 1951.*—For section 23 of the principal Act, the following section shall be substituted, namely:—

“23. *Decision of Central Government final respecting certain matters.*—If, for the purposes of this Act, any question arises as to whether—

(a) there has been a substantial expansion of an industrial undertaking, or

(b) an industrial undertaking is producing or manufacturing any new article,
the decision of the Central Government thereon shall be final.”

15. *Amendment of section 24, Act LXV of 1951.*—For sub-section (1) of section 24 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) If any person contravenes or attempts to contravene or abets the contravention of—

(i) the provisions of sub-section (1) of section 10 or of sub-section (1) of section 11 or of section 11A or of sub-section (1) of section 13, or

(ii) any direction issued under section 16 or sub-section (3) of section 18B, or

(iii) any order made under section 18G, or

(iv) any rule the contravention of which is made punishable under this section,

he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.”

16. *Insertion of new section 24A in Act LXV of 1951.*—After section 24 of the principal Act, the following section shall be inserted, namely:—

“24A. *Penalty for false statements.*—If any person,—

(a) when required by this Act or by any order under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and

which he knows or has reasonable cause to believe to be false or does not believe to be true ; or

(b) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any order made under this Act to maintain or furnish ;

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two thousand rupees, or with both."

17. *Substitution of new sections for sections 25, 26, 27, 28 and 29 in Act LXV of 1951.*—For sections 25, 26, 27, 28 and 29 of the principal Act, the following sections shall be substituted, namely :—

"25. *Delegation of powers.*—(1) The Central Government may, by notified order, direct that any power exercisable by it under this Act (other than the power given to it by sections 16 and 18A) shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority (including in the said expressions any Development Council, State Government or officer or authority subordinate to the Central Government) as may be specified in the direction.

(2) Any power exercisable by a State Government by virtue of a direction under sub-section (1) may, unless otherwise provided in such direction, be exercised also by such officer or authority subordinate to that State Government as it may, by notified order, specify in this behalf.

26. *Power to issue directions.*—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any order or direction made thereunder.

27. *Cognizance of offences.*—No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code (Act LXV of 1860).

28. *Burden of proof in certain cases.*—Where any person is prosecuted for contravening any order made under section 18G which prohibits him from doing an act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him.

29. *Jurisdiction of courts.*—(1) Subject to the provisions of sub-section (2), no court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

(2) Any magistrate or bench of magistrates empowered, for the time being, to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (V of 1898), may, on application in this behalf being made by the prosecution, try, in accordance with the provisions contained in sections 262 to 265 of the said Code any offence which consists of a contravention of an order made under section 18G.

29A. *Special provision regarding fines.*—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (V of 1898), it shall be lawful for any magistrate of the first class and for any presidency magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of any offence under this Act.

29B. *Power to exempt in special cases.*—If the Central Government

is of opinion, having regard to the smallness of the number of workers employed or the amount invested in any industrial undertaking or to the desirability of encouraging small undertakings generally or to the stage of development of any scheduled industry, that it would not be in public interest to apply all or any of the provisions of this Act thereto, it may, by notification in the Official Gazette, exempt, subject to such conditions as it may think fit to impose, any industrial undertaking or class of industrial undertakings or any scheduled industry or class of scheduled industries as it may specify in the notification from the operation of all or any of the provisions of this Act or of any rule or order made thereunder.

29C. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

18. *Amendment of section 30, Act LXV of 1951.*—In section 30 of the principal Act, in sub-section (2), in clause (i) for the words and figures 'section 11 or section 13', the words, letter and figures 'section 11, section 11A or section 13' shall be substituted.

19. *Amendment of First Schedule, Act LXV of 1951.*—In the First Schedule to the principal Act,—

(a) (i) for item (5), the following items shall be substituted, namely :—

"(5) Mathematical, surveying, and drawing instruments ;

(5A) Scientific instruments." ;

(ii) for item (10), the following item shall be substituted, namely :—

"(10) textiles—

(a) made wholly or in part of cotton, including cotton yarn, hosiery and rope,

(b) made wholly or in part of jute, including jute yarn, twine and rope,

(c) made of wool, including woollen yarn, hosiery, carpets and druggets,

(d) made of silk,

(e) made of artificial silk, including artificial silk yarn,

(f) made wholly or in part of staple fibre." ;

(iii) for item (11), the following items shall be substituted, namely :—

"(11) Automobiles.

(11A) Tractors." ;

(iv) for item (13), the following items shall be substituted, namely :—

"(13) Electric lamps.

(13A) Electric fans." ;

(v) for items (16) and (17), the following items shall be substituted, namely :—

"(16) Machinery used in industries including boilers and steam generating equipment,

(16A) Ball, roller and tapered bearings.

(17) Locomotives.

(17A) Rolling stock." ;

(vi) to item (20), the following words shall be added at the end, namely :—

"and semi-manufactures thereof" ;

(vii) in item (21), for the words 'and paper board', the words 'paper board and straw board' shall be substituted ;

(viii) for items (25), (26) and (27), the following items shall be substituted, namely :—

"(25) Leather, leather goods and pickers.

(26) Glue and Gelatine ;

(27) Vanaspati ;

(27A) Vegetable oils." ;

(ix) in item (30), the words 'and parts thereof' shall be omitted ;

(x) for items (35) and (36), the following items shall be substituted, namely :—

"(35) Sewing machines.

(35A) Knitting machines.

(36) Small tools.

(36A) Hand tools." ;

(xi) after item (37), the following items shall be inserted, namely :—

"(38) Dye-stuffs.

(39) Soap.

(40) Other toilet requisites.

(41) Plywood.

(42) Ferro-manganese." ;

(b) the following "Explanations" shall be added at the end, namely:—

"Explanation 1.—In item (4), 'Iron and steel' shall include any manufactured product of iron and steel.

Explanation 2.—In items (1), (7), (9), (11) (11A), (13), (13A), (17), (17A), (29), (30), (32), (33), (34), (35), (35A), (36) and (36A), the articles specified therein shall include each of their component parts and accessories also."

The Air Corporations Act, 1953.

The following Act of Parliament received the assent of the President on the 28th May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 28th May, 1953.

Act No. 27 of 1953.

[28th May, 1953]

An Act to provide for the establishment of Air Corporations, to facilitate the acquisition by the Air Corporations of undertakings belonging to certain existing air companies and generally to make further and better provisions for the operation of air transport services.

Be it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Air Corporations Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions*—In this Act unless the context otherwise requires,—

(i) "aircraft" means any machine which can derive support in the atmosphere from reactions of the air and includes balloons, whether fixed or free, airships, kites, gliders and flying machines ;

(ii) "air transport service" means a service for the transport by air of persons, mails or any other thing, animate or inanimate, for any kind of remuneration whatsoever, whether such service consists of a single flight or a series of flights ;

(iii) "associate" in relation to either of the corporations means any subsidiary of the corporation or any person with whom the corporation has made an agreement in accordance with clause (h) of sub-section (2) of section 7 ;

(iv) "Corporations" means "Indian Airlines" and "Air-India international" established under section 3, and "Corporation" means either of the Corporations ;

(v) the expression "existing air companies" means the Air India Ltd., the Air Services of India Ltd., the Airways (India) Ltd., the Bharat Airways Ltd., the Deccan Airways Ltd., the Himalayan Aviation Ltd., the Indian National Airways Ltd., the Kalinga Airlines and the Air India International Ltd., and "existing air company" means any of the existing air companies ;

(vi) "prescribed" means prescribed by rules made under this Act ;

(vii) "regulations" means regulations made by either of the corporations under section 45 ;

(viii) "scheduled air transport service" means an air transport service undertaken between the same two or more places and operated according to a published time table or with flights so regular or frequent that they constitute a recognisably systematic series, each flight being open to use by members of the public ;

(ix) "Tribunal" means the Tribunal constituted under section 25.

CHAPTER II

CONSTITUTION AND FUNCTIONS OF THE CORPORATIONS

3. *Incorporation of the Corporations.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established two Corporations to be known as "Indian Airlines" and "Air-India International".

(2) Each of the Corporations aforesaid shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property, and may by its name sue and be sued.

4. *Constitution of the Corporations.*—(1) Each of the Corporations shall consist of not less than five but not more than nine members appointed by the Central Government and one of the members shall be appointed by the Central Government to be the Chairman of the Corporation :

Provided that —

(a) the same person may be appointed to be the Chairman of both the Corporations or Chairman of one and member of the other ;

(b) the same persons may be appointed to be members of both the Corporations.

(2) Before appointing a person to be a member of either of the Corporations, the Central Government shall satisfy itself that that person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member of the Corporation and the Central Government shall also satisfy itself from time to time with respect to every member of the Corporation that he has no such interest ; and any person who is, or whom the Central Government proposes to appoint and who has consented to be a member of the Corporation shall, whenever required by the Central Government so to do, furnish to it such information as the Central Government considers necessary for the performance of its duties under this sub-section.

(3) A member of either of the Corporations who is in any way directly or indirectly interested in a contract made or proposed to be made

by the Corporation, or in any contract made or proposed to be made by an associate of the Corporation which is brought up for consideration by the Corporation, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation; and the disclosure shall be recorded in the minutes of the Corporation, and the member shall not take any part after the disclosure in any deliberation or decision of the Corporation with respect to that contract.

(4) During the temporary absence of the Chairman of either of the Corporations, the Central Government may appoint another person, whether a member of the Corporation or not, to act as the Chairman.

(5) Save as otherwise provided in this section, nothing contained in this Act shall be deemed to disqualify the General Manager of either of the Corporations from being appointed to be a member thereof.

5. Conditions of service of members.—(1) The Chairman and other members of each of the Corporations shall ordinarily be entitled to hold office for the period specified in the order of appointment, unless the appointment is terminated earlier by the Central Government:

Provided that any member may at any time by notice in writing addressed to the Central Government resign his office.

(2) Subject to the previous approval of the Central Government, each of the Corporations shall pay to every member thereof in respect of his office as such, such remuneration by way of allowances, fees or otherwise as may be determined by the Corporation, and to the Chairman in respect of his office as such, such remuneration, whether in addition to the remuneration to which he may be entitled in respect of his office as a member or otherwise, as it may similarly determine.

6. Vacancy in Corporation not to invalidate proceedings.—No act or proceeding of either of the Corporation shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Corporation.

7. Functions of the Corporations.—(1) Subject to the rules, if any, made by the Central Government in this behalf, it shall be the function of each of the Corporations to provide safe, efficient, adequate, economical and properly co-ordinated air transport services, whether internal or international or both, and the Corporations shall so exercise their powers as to secure that the air transport services are developed to the best advantage and, in particular, so exercise those powers as to secure that the services are provided at reasonable charges.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), each of the Corporations shall, in particular, have power—

(a) to operate any air transport service, or any flight by aircraft for a commercial or other purpose, and to carry out all forms of aerial work;

(b) to provide for the instruction and training in matters connected with aircraft or flight by aircraft of persons employed, or desirous of being employed, either by the Corporation or by any other person;

(c) with the previous approval of the Central Government, to promote any organization outside India for the purpose of engaging in any activity of a kind which the Corporation has power to carry on;

(d) to acquire, hold or dispose of any property, whether movable or immovable, or any air transport undertaking;

(e) to repair, overhaul, reconstruct, assemble or recondition aircraft, vehicles or other machines and parts, accessories and instruments thereof or therefor and also to manufacture such parts, accessories and instru-

ments, whether the aircraft, vehicles or other machines are owned by the Corporation or by any other person ;

(f) to enter into and perform all such contracts as are calculated to further the efficient performance of its duties and the exercise of its powers under this Act ;

(g) to perform any functions as agent or contractor in relation to an air transport service operated by any other person ;

(h) with the previous approval of the Central Government, to enter into agreements with any person engaged in air transportation with a view to enabling such person to provide air transport services on behalf of or in association with the Corporation ;

(i) with the previous approval of the Central Government, to determine and levy fares and freight rates and other charges for or in respect of the carriage of passengers and goods on air transport services operated by it ;

(j) to take such steps as are calculated to extend the air transport services provided by the Corporation, whether within or without India, including the development of feeder services and the improvement of the types of aircraft used in air transport services ;

(k) to take such steps as are calculated to promote the interests of the Corporation or to improve the services the Corporation may provide, including provision of catering, rest-rooms, goods-sheds, ware-houses and transport by land or water in connection with any air transport service or any other amenity or facility ;

(l) to take all such steps as may be necessary or convenient for, or may be incidental to, the exercise of any power, or the discharge of any function or duty conferred or imposed on it by this Act.

(3) Nothing contained in this section shall be construed as—

(a) authorising the disregard by the Corporation of any law for the time being in force, or

(b) authorising any person to institute any proceeding in respect of a duty or liability to which either of the Corporations or its employees would not otherwise be subject.

8. *Appointment of officers and other employees of the Corporations.*—(1) For the purpose of enabling it efficiently to discharge its functions under this Act, each of the Corporations shall appoint a General Manager and, subject to such rules as may be prescribed in this behalf, may also appoint such number of other officers and employees as it may think necessary :

Provided that the appointment of the General Manager and such other categories of officers as may be specified after consultation with the Chairman in such rules shall be subject to the approval of the Central Government.

(2) Subject to the provisions of section 20, every person employed by each of the Corporations shall be subject to such conditions of service and shall be entitled to such remuneration and privileges as may be determined by regulations made by the Corporation by which he is employed.

(3) Neither the General Manager nor such other employee of either of the Corporations as may be specified in this behalf by the Central Government shall, during his service in the Corporation, be employed in any capacity whatsoever or directly or indirectly have any interest in any air transport undertaking other than an undertaking of either of the Corporations, or in any other undertaking which is interested in any contract with either of the Corporations.

9. *Corporations to act on business principles.*—In carrying out any

of the duties vested in it by this Act, each of the Corporations shall act so far as may be on business principles.

CHAPTER III

FINANCE ACCOUNTS AND AUDIT

10. *Capital of the Corporations.*—(1) All non-recurring expenditure incurred by the Central Government for, or in connection with, each of the Corporations up to the date of establishment of that Corporation and declared to be capital expenditure by that Government, shall be treated as capital provided by the Central Government to that Corporation.

(2) The Central Government may provide any further capital that may be required by either of the Corporations for the carrying on of the business of the Corporation or for any purpose connected therewith on such terms and conditions as the Central Government may determine.

(3) Each of the Corporations may, with the consent of the Central Government, or in accordance with the terms of any general authority given to it by the Central Government—

(a) borrow money for all or any of the purposes of the Corporation, and

(b) secure the payment of any money borrowed by it or any interest thereon by the issue of the bonds, debentures, debenture-stock or any mortgage or charge or other security on the undertaking of the Corporation or any part of it or on any of its properties.

11. *Vesting of properties in the Corporations.*—All properties, assets and funds owned or acquired by the Central Government for the purpose of Indian Airlines or, as the case may be, Air India International before the establishment of those Corporations shall, on such establishment, vest in the Corporation concerned.

12. *Funds of the Corporations.*—(1) Each of the Corporations shall have its own funds and all receipts of the Corporation shall be carried thereto and all payments for the Corporation shall be made therefrom.

(2) Each of the Corporations may keep in current account with any scheduled bank as defined in section 2 of the Reserve Bank of India Act, 1934 (II of 1934) or in any other bank approved by the Central Government in this behalf a sum of money not exceeding such amount as may be prescribed, but any moneys in excess of the said sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government.

13. *Powers of the Corporations in regard to expenditure.*—Each of the Corporations shall have power, subject to the provisions of this Act, to spend such sums as it thinks fit on objects or for purposes authorised by this Act and such sum shall be treated as expenditure out of the funds of that Corporation.

14. *Corporation to assume obligations of Central Government in respect of certain matters.*—All obligations incurred, all contracts entered into and all matters and things engaged to be done by, with, or for the Central Government for any of the purposes of this Act before the establishment of either of the Corporations shall be deemed to have been incurred, entered into or engaged to be done by, with or for Indian Airlines or, as the case may be, Air India International according as the obligations, contracts, matters and things relate to the purposes of the former Corporation or the latter.

15. *Accounts and audit.*—(1) The Corporations shall maintain proper accounts and other relevant records and prepare an annual statement of

accounts, including the profit and loss account and the balance sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Corporations shall be audited annually by the Comptroller and Auditor General of India and any expenditure incurred by him in connection with such audit shall be payable by the Corporations to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of the Corporations shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporations.

(4) The accounts of the Corporations as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER IV

ACQUISITION OF UNDERTAKINGS OF EXISTING AIR COMPANIES

16. *Undertakings of existing air companies to vest in the Corporation.*—On such date as the Central Government may, by notification in the Official Gazette, appoint (hereinafter referred to as "the appointed date"), there shall be transferred to and vest in—

(a) Indian Airlines, the undertakings of all the existing air companies (other than Air India International Ltd.), and

(b) Air India International, the undertaking of the Air India International Ltd.

17. *General effect of vesting of undertakings in the Corporations.*—(1) The undertaking of each of the existing air companies which is transferred to and which vests in either of the Corporations under section 16 shall, subject to the provisions of section 22, be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, including lands, works, workshops, aircraft, cash balances, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the appointed date in the ownership, possession or power of the existing air company in relation to the undertaking, whether within or without India, and all books of account and documents relating thereto, and, subject to the provisions contained in section 22, shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the existing air company in relation to the undertaking.

(2) Any lands, works, aircraft, assets or other property vesting in the Corporation under sub-section (1) shall by force of such vesting be freed and discharged from all trusts, obligations, mortgages, charges, liens and other encumbrances affecting it, and any attachment, injunction or any other order of a court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(3) Subject to the other provisions contained in this Act, all contracts and working arrangements which are subsisting immediately before the appointed date and affecting any of the existing air companies shall, in so far as they relate to the undertaking of that company, cease to have

effect or be enforceable against that company or any person who was surety or had guaranteed the performance thereof, and shall be of as full force and effect against or in favour of the Corporation in which the undertaking has vested by virtue of this Act and enforceable as fully and effectually as if, instead of the company, the Corporation had been named therein or had been a party thereto.

(4) Subject to the other provisions contained in this Act, any proceeding or cause of action pending or existing immediately before the appointed date by or against any of the existing air companies in relation to its undertaking may as from that date be continued and enforced by or against the Corporation in which it has vested by virtue of this Act as it might have been enforced by or against that company if this Act had not been passed, and shall cease to be enforceable by or against that company, its surety or guarantor.

18 Reservation of scheduled air transport services to the Corporations —

(1) After the appointed date, it shall not be lawful for any person other than the Corporations or their associates to operate any scheduled air transport service from, to, in or across India :

Provided that nothing in this section shall restrict the right of any person,—

(a) for the purpose of any air transport undertaking of which the principal place of business is in any country outside India, to operate an air transport service in accordance with the terms of any agreement for the time being in force between the Government of India and the Government of that country ; or

(b) to carry passengers for the sole purpose of instructing them in flying or on duties of aircrews ; or

(c) to carry passengers or goods for the sole purpose of providing an air ambulance service or a rescue or relief service during any natural calamity ; or

(d) to carry passengers or goods for the sole purpose of providing joy rides consisting of flights operated from and to the same aerodrome or place without any intermediate landing or for the purpose of aerial survey fire fighting, crop-dusting, locust control or any other aerial work of a similar nature.

(2) Any person who operates a scheduled air transport service in contravention of the provisions of this section shall be liable in respect of each offence to a fine which may extend to one thousand rupees, or to imprisonment which may extend to three months, or to both.

Explanation.—The operation of each flight shall constitute a separate offence for the purposes of this section.

19. Licences to cease to be valid.—With effect from the appointed date, all licences granted under the Indian Aircraft Act, 1934 (XXII of 1934) or under the rules made thereunder for the operation of scheduled air transport services shall cease to be valid.

20. Provisions respecting officers and employees of existing air companies.—(1) Every officer or other employee of an existing air company (except a director, managing agent, manager or any other person entitled to manage the whole or a substantial part of the business and affairs of the company under a special agreement) employed by that company prior to the first day of July, 1952, and still in its employment immediately before the appointed date shall, in so far as such officer or other employee is employed in connection with the undertaking which has vested in either of the Corporations by virtue of this Act, become as from the appointed

date an officer or other employee, as the case may be, of the Corporation in which the undertaking has vested and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same under the existing air company if its undertaking had not vested in the Corporation and shall continue to do so unless and until his employment in the Corporation is terminated or until his remuneration, terms or conditions are duly altered by the Corporation :

Provided that nothing contained in this section shall apply to any officer or other employee who has, by notice in writing given to the Corporation concerned prior to such date as may be fixed by the Central Government by notification in the Official Gazette, intimated his intention of not becoming an officer or other employee of the Corporation.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may direct either of the Corporations in which the undertaking of any existing air company has vested to take into its employment any officer or other employee who was employed by the existing air company prior to the first day of July, 1952, and who has been discharged from service in that company on or after the said date for reasons which, in the opinion of the Central Government, appear to be inadequate for the purpose, and where the Central Government issues any such direction, the provisions of sub-section (1) shall apply to such officer or other employee as they apply to any officer or other employee referred to therein.

(3) As from the appointed date the trustees of the provident funds and pension funds or pension schemes of each of the existing air companies shall transfer to the Corporation concerned the balances lying to the credit of each of the employees whose services have been transferred to that Corporation by virtue of this Act and also all other balances of the funds or schemes as shall remain after satisfying all demands and liabilities, and thereupon the trustees shall be discharged of the trusts by virtue of this Act.

(4) Notwithstanding anything contained in this Act or in the Indian Companies Act, 1913 (VII of 1913) or in any other law for the time being in force or in any agreement entered into by an existing air company or in the articles of association of any such company, no director, managing agent, manager or any other person entitled to manage the whole or a substantial part of the business and affairs of the company shall be entitled to any compensation against any existing air company or against either of the Corporations for the loss of office or for the premature termination of any contract of management entered into by him with any existing air company and where any existing air company has, after the first day of July, 1952, and before the commencement of this Act, paid to any such person as is referred to in this sub-section any sum by way of compensation to which the person receiving such compensation would not have been entitled if this sub-section were in force at the time of such payment, the existing air company shall be entitled to claim refund of any sum so paid.

21. Duty to deliver up possession of property acquired and documents relating thereto.—(1) Where any property has vested in either of the Corporations under section 16, every person in whose possession or custody or under whose control the property may be, shall deliver up the property to the Corporation concerned forthwith.

(2) Any person who on the appointed date has in his possession or

under his control any books, documents or papers relating to any undertaking which has vested in either of the Corporations under this Act and which belong to an existing air company or would have so belonged if its undertaking had not so vested shall be liable to account for the said books, documents and papers to the Corporation in which the undertaking has vested and shall deliver them up to the Corporation or to such person as the Corporation may direct :

Provided that the Corporation shall produce for inspection by such companies or their authorised representatives the books of account and documents as relate to the affairs of the company for any period prior to the appointed date.

(3) Without prejudice to the other provisions contained in this section, it shall be lawful for the Corporation and the Central Government to take all necessary steps for securing possession of all properties which have vested in the Corporation under section 16.

22. *Duty of existing air companies to supply particulars.*—(1) Where the undertaking of an existing air company vests in either of the Corporations under this Act, the existing air company shall, within thirty days from the appointed date or within such further time as the Corporation concerned may allow in any case, supply to the Corporation particulars of book debts and investments belonging to and all liabilities and obligations of the company subsisting immediately before the appointed date, and also of all agreements entered into by the existing air company and in force on the appointed date, including agreements, whether express or implied, relating to leave, pension, gratuity and other terms of service of any officer or other employee of the existing air company, under which by virtue of this Act the Corporations have or will or may have liabilities except such agreements as the Corporation may exclude either generally or in any particular case from the operation of this sub-section.

(2) If any existing air company fails to supply to the Corporation concerned particulars of such book debts, liabilities and agreements within the time allowed to it for the purpose under sub-section (1), nothing contained in this Act shall have effect so as to transfer any such book debts, liabilities and agreements to or to vest the same in the Corporation.

(3) Either Corporation may by notice in writing within a period of ninety days after submission of the particulars referred to in sub-section (1) intimate to the existing air company submitting the particulars that such of the book debts and investments as are specified in the notice are not included in the properties vesting in the Corporation whereupon the compensation provided by section 25 of this Act and the Schedule thereto shall be reduced by the amount of such excluded book debts and investments but the right of such existing air company to recover and retain such excluded book debts shall remain unaffected by this Act.

23. *Right of Corporations to disclaim certain agreements.*—(1) Where it appears to either of the Corporations that the making of any such agreements as is referred to in section 22 under which the Corporation has or will have or may have liabilities was not reasonably necessary for the purposes of the activities of the existing air company or has not been entered into in good faith, the Corporation may, within six months from the appointed date, apply to the Tribunal for relief from such agreement, and the Tribunal, if satisfied after making such inquiry into the matter as it thinks fit that the agreement was not reasonably necessary for the purposes of the activities of the existing air company or has not been entered into in good faith, may make an order cancelling or varying the

agreement on such terms as it may think fit to impose and the agreement shall thereupon have effect accordingly.

(2) All the parties to the agreement which is sought to be cancelled or varied under this section shall be made parties to the proceeding.

24. *Transactions resulting in dissipation of assets.*—(1) This section shall apply where any existing air company has, after the first day of July, 1952, and before the appointed date,—

(a) made any payment to any person without consideration or for an inadequate consideration ;

(b) sold or disposed of any of its properties or rights without consideration or for an inadequate consideration ;

(c) acquired any property or rights for an excessive consideration ;

(d) entered into or varied any agreement so as to require an excessive consideration to be paid or given by the company ;

(e) entered into any other transaction of such an onerous nature as to cause a loss to or impose a liability on the company exceeding any benefit accruing to the company ; or

(f) sold or otherwise transferred any aircraft, equipment, machinery or other property of book value exceeding rupees ten thousand ; and the payment, sale, disposal, acquisition, agreement or variation thereof, or other transaction or transfer, was not reasonably necessary for the purposes of the company or was made with an unreasonable lack of prudence on the part of the company, regard being had in either case to the circumstances at the time.

(2) Either of the Corporations may, in the case of any such existing air company as is referred to in sub-section (1) the undertaking of which has vested in the Corporation under this Act, at any time within six months from the appointed date, apply for relief to the Tribunal in respect of any transaction to which in the opinion of the Corporation this section applies, and all parties to the transaction shall, unless the Tribunal otherwise directs, be made parties to the application.

(3) Where the Tribunal is satisfied that a transaction in respect of which an application is made is a transaction to which this section applies, then, unless the Tribunal is also satisfied that the transaction was a proper transaction made in the ordinary course of business regard being had to the circumstances at the time and was not in any way connected with any provision made by this Act or with any anticipation of the making of any such provision, the Tribunal shall make such order against any of the parties to the application as the Tribunal thinks just having regard to the extent to which those parties were respectively responsible for the transaction or benefited from it and all the circumstances of the case.

(4) Where an application is made to the Tribunal under this section in respect of any transaction and the application is determined in favour of the Corporation, the Tribunal shall have exclusive jurisdiction to determine any claims outstanding in respect of the transaction.

25. *Compensation to be given for compulsory acquisition of undertaking.*—(1) Where the undertaking of any of the existing air companies has vested in either of the Corporations under this Act, compensation shall be given by the Corporation to that company in the manner specified in section 27 and the amount of such compensation shall be determined in accordance with the principles specified in the Schedule to this Act.

(2) Notwithstanding that separate valuations are calculated under the principles specified in the Schedule in respect of the several matters referred to therein, the amount of compensation to be given shall be deemed to be a single compensation to be given for the undertaking as a whole.

(3) The amount of the compensation to be given in accordance with the aforesaid principles shall be determined by the Corporation and if the amount so determined is approved by the Central Government, it shall be offered to the existing air company in full satisfaction of the compensation payable under this Act, and if the amount so offered is not acceptable to the existing air company, it may within such time as may be prescribed for the purposes have the matter referred to a Tribunal constituted for this purpose by the Central Government for decision.

26. *Constitution of special Tribunal to determine compensation.*—(1) The Tribunal to be constituted under section 25 shall consist of three members appointed by the Central Government, one of whom shall be a person who is or has been a Judge of a High Court or has been a Judge of the Supreme Court.

(2) The Tribunal may for the purpose of deciding any matter under this Act choose one or more persons possessing special knowledge of any matter relating to the case under inquiry to assist it in determining any compensation which is to be given under this Act.

(3) The Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters :—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of documents ;
- (c) receiving evidence on affidavits ;
- (d) issuing commissions for the examination of witnesses or documents.

(4) The Tribunal shall by a majority of its number regulate its own procedure and decide any matter within its competence and may review its decision in the event of there being a mistake on the face of the record or correct any arithmetical or clerical error therein but subject thereto the decision of the Tribunal on any matter within its jurisdiction shall be final and shall not be called in question in any court.

27. *Mode of giving compensation.*—(1) When the amount of compensation to be given under this Act to an existing air company has been determined under section 25, the Corporation shall give to the company one or more bonds of the face value of the amount of compensation so determined less such portion thereof as is payable in cash under this section.

(2) Out of the compensation to be given to each of the existing air companies under this Act, there shall be paid in cash—

(a) ten per cent. of the amount of compensation payable to each of such companies (which percentage shall be uniformly applicable to all existing air companies) ; or

(b) the amount borrowed by any such company from any bank and outstanding on the 31st day of December, 1952, or on the appointed date, whichever amount is less ; or

(c) an amount equal to the cash of any such company, including cash in deposit with a bank, which has vested in the Corporation under this Act ;

whichever of the amount specified in clauses (a), (b) and (c) is the greatest.

(3) The bonds aforesaid shall be issued by the Corporation with the previous approval of the Central Government and shall be negotiable and shall be redeemed at their face value by the Corporation concerned on the demand of the holder within one hundred and eighty days after the expiry

of five years from the date of their issue and the redemption of the bonds and payment of all interest thereon shall be guaranteed by the Central Government.

(4) If within the expiry of the said period of one hundred and eighty days, the holder of any bond fails to require payment of its face value from the Corporation concerned, the bond shall cease to be redeemable at the option of the holder :

Provided that in any case the Corporation may by notice require the holder of the bond to accept its face value in cash at any time whether before or after the expiry of the period of five years aforementioned.

(5) The holder of the bond shall be entitled to receive from the Corporation interest on the bond at three and a half *per cent.* per annum at such intervals as may be prescribed, with effect from the appointed date, and until the bond is duly redeemed.

(6) Bonds issued under this section shall, for the purpose of redemption and of computing interest, be deemed to have been issued on the appointed date.

(7) Any bond issued under the provisions of this section shall be deemed to be a security in which a trustee may invest trust monies within the meaning of section 20 of the Indian Trusts Act, 1882 (II of 1882).

28. *Winding up of existing company whose undertaking has been acquired.*—(1) The Central Government may, on the application of any existing air company or on the application of a majority in number representing three-fourths in value of its members holding ordinary shares, by order in writing, authorise the existing air company the undertaking of which has vested in either of the Corporations, to be wound up voluntarily in accordance with the provisions of the Indian Companies Act, 1913 (VII of 1913) relating to voluntary winding up :

Provided that—

(a) the winding up of the company shall commence on the day on which the Central Government authorises the winding up without the passing by the company of any special or other resolution for winding up and

(b) the directors of the existing company shall not be under an obligation to make any such statutory declaration as is required by section 207 of the Indian Companies Act, 1913 (VII of 1913) ; and

(c) the winding up of the company shall be continued by the directors of the existing company in office at the time the Central Government authorises its winding up and they shall be deemed to be joint liquidators for the purpose of the said winding up with power to act by a majority of their number.

(2) For the purposes of winding up the affairs of any existing air company or for any other purpose necessary for enabling it to give effect to the provisions of this Act, the Central Government may, notwithstanding anything contained in this Act, permit the existing air company to occupy, keep in its custody or utilise, as the case may be, for such period as it may allow any office, books, accounts and other documents and the services of any officers or other employees, which have been transferred to either of the Corporations under this Act, on such terms and conditions as may be agreed between the Corporation in which the undertaking has vested and the existing air company, or failing agreement, as may be determined by the Central Government.

29. *Authorisation under section 28 may contain certain directions*—Any authorisation granted under section 23 may include a direction requir-

ing an existing air company the voluntary winding up of which has been authorised under that section to distribute its net assets among the various classes of members of the company in such proportion as the Central Government may, having regard to the amount subscribed by each class of such members or having regard to the circumstances relating to the issue of the shares to the various classes of members, specify in the direction, and any such direction shall have effect notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913) or in the articles of association or resolution of the company or in any agreement, and every such company shall be bound to comply with any such direction.

CHAPTER V

AIR TRANSPORT COUNCIL

30. Constitution of Air Transport Council.—As soon as may be after the commencement of this Act, the Central Government may cause to be constituted an Air Transport Council consisting of a Chairman and such other number of members not exceeding eleven as the Central Government may appoint thereto :

Provided that amongst the members to be so appointed there shall at least be one person with experience in financial matters and one person who is an employee of either of the Corporations with experience in labour matters.

31. Functions of the Air Transport Council.—(1) It shall be the duty of the Air Transport Council to consider—

(a) at the request of either of the Corporations any matter of the kind referred to in section 38 ; and

(b) any matter of importance which may be referred to it by the Director General of Civil Aviation or the Director General of Posts and Telegraphs relating to matters of common interest, between either of the Corporations and the Director General of Civil Aviation, or as the case may be, the Director General of Posts and Telegraphs, including rates for the carriage of postal articles by air, and to make recommendations thereon to the Central Government.

(2) At the request of the Central Government, the Air Transport Council shall investigate any matter relating to the fares, freight rates or other charges levied by either Corporation in respect of any service or facility provided by the Corporation and of the adequacy or efficiency of such service or facility and shall make recommendations thereon to the Central Government.

(3) The Council shall, if so required by the Central Government, tender advice to that Government in regard to financial and economic analysis, accounting, costing and statistical techniques and financial reporting relating to air transport and, in particular, advise in regard to the matters specified in the proviso to sub-section (2) of section 34.

(4) The Central Government, after taking any recommendation made by the Air Transport Council under this section into consideration, may issue such directions in the matter as it thinks fit and such directions shall be binding on the Corporation concerned.

32. Staff of the Council.—The Council shall have a Secretary and such other employees as the Central Government may appoint, and the expenditure on the staff and other charges of the Council shall be borne by the Central Government.

33. Proceedings of the Council.—(1) The Council shall regulate its own procedure.

(2) No proceeding of the Council shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Council.

CHAPTER VI

CONTROL OF CENTRAL GOVERNMENT

34. *Power of Central Government to give directions.*—(1) The Central Government may give to either of the Corporations directions as to the exercise and performance by the Corporation of its functions, and the Corporation shall be bound to give effect to any such directions.

(2) The Central Government may, if it is of opinion that it is expedient in the national interest so to do, after consultation with the Corporation concerned, direct either of the Corporations—

(a) to undertake any air transport service or other activity which the Corporation has power to undertake ;

(b) to discontinue or make any change in any scheduled air transport service or other activity which it is operating or carrying on ;

(c) not to undertake any activity which it proposes to do :

Provided that, if, at the direction of the Central Government, the Corporation establishes, alters or continues to maintain an air transport service or other activity and satisfies the Central Government that during the relevant financial year the Corporation has suffered an over-all loss in respect of the operation of all its air transport services and of all its other activities and also that the service or activity so established, altered or continued to be maintained in compliance with the directions of the Central Government as aforesaid has been operated at a loss in any financial year, then the Central Government shall reimburse the Corporation to the extent of the loss relatable to the operation of that particular service or activity.

35. *Prior approval of Central Government necessary in certain cases.*—Neither Corporation shall, without the previous approval of the Central Government—

(a) undertake any capital expenditure for the purchase or acquisition of any immovable property or aircraft or any other thing at a cost exceeding rupees fifteen lakhs ;

(b) enter into a lease of any immovable property for a period exceeding five years ; or

(c) in any manner dispose of any property, right or privilege having an original or book value exceeding rupees ten lakhs.

36. *Submission of programme of work for each year.*—(1) Each of the Corporations shall prepare and submit to the Central Government, not less than three months before the commencement of the financial year of the Corporation a statement showing the programme of operation and development of air transport services to be operated by the Corporation and its associates during the forthcoming financial year and its other activities as well as its financial estimates in respect thereof, including any proposed investment of capital and increase in the strength of its total staff.

(2) If, during any financial year, either of the Corporations engages or proposes to engage in any air transport service or ancillary activity in addition to those specified in the programme previously submitted under sub-section (1) and a substantial alteration of the financial estimates is likely to be involved thereby, the Corporation shall submit to the Central Government for approval a supplementary programme of such service or activity and a supplementary estimate of the expenditure and revenue to

be incurred and received by the Corporation in respect thereof during the remainder of that period :

Provided that, to meet any unexpected traffic demand or other special situation, either of the Corporations may undertake any additional service or other ancillary activity not specified in the programme submitted under sub-section (1) or sub-section (2) and subsequently submit a report on the matter to the Central Government in the prescribed manner.

37. Submission of Annual Reports to Parliament.—(1) Each of the Corporations shall, as soon as may be after the end of each financial year, prepare and submit to the Central Government in such form as may be prescribed a report giving an account of its activities during the previous financial year, and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Corporation during the next financial year.

(2) The Central Government shall cause every such report to be laid before both Houses of Parliament as soon as may be after it is submitted.

CHAPTER VII

MISCELLANEOUS

38. Corporations to act in mutual consultation.—It shall be the duty of each of the Corporations to enter into consultations with the other in matters of common interest to the two Corporations including, in particular, the operation of scheduled air transport services, the routes on which such services should be operated by each of the Corporations, the frequency of such services, the passenger fares and freight rates to be charged, the measures of economy to be adopted the provision of any services in regard to overhaul and maintenance of aircraft or any other matter falling within the scope of the functions of either of the Corporations, and, generally, in regard to ensuring the fullest co-operation and co-ordination in respect of all such matters.

39. Transfer of Scheduled air transport services or assets from one Corporation to the other.—The Central Government may, for the purpose of improving the air transport services provided by either of the Corporations or for effecting better co-ordination in respect of such services, direct that with effect from such date as may be specified in the direction and subject to such conditions as may be similarly specified,—

(a) any scheduled air transport service operated by one Corporation shall no longer be operated by that Corporation but shall be operated by the other Corporation, and

(b) any property belonging to one Corporation shall be transferred to the other Corporation.

40. Corporations may delegate their powers.—(1) Each of the Corporations may appoint a Committee or Committees consisting of some or any of its members with or without the addition of any officer or employee of the Corporation and delegate any of the functions and powers of the Corporation to such Committee or Committees and may limit the exercise of such delegated authority to any specified area.

(2) Either of the Corporations may, in relation to any particular matter or class of matters or to any particular area, by general or special order, direct that any of its officers or other employees may also exercise all or any of its powers under this Act (except the powers given to it by this section) to the extent to which the Corporation deems it necessary for the efficient running of its day to day administration.

41. Advisory and Labour Relations Committees.—(1) The Central

Government, in consultation with the Corporation concerned, may appoint an Advisory Committee consisting of such number of persons as it may think fit for the purpose of advising the Corporation in respect of such matters as may be referred to it by the Corporation or as may be prescribed.

(2) Each of the Corporations shall constitute in the prescribed manner a Labour Relations Committee consisting of representatives of the Corporation and of its employees, so however, that the number of representatives of the employees on the Committee shall not be less than the number of representatives of the Corporation, and it shall be the duty of the Labour Relations Committee to advise the Corporation on matters which relate to the welfare of the employees or which are likely to promote and secure amity and good relations between the two.

42. *Meetings of the Corporation.*—(1) Meetings of the Corporation shall be held at such times and places and, subject to sub-sections (2) and (3), the proceedings of the Corporation, shall be conducted in such manner as may be provided by the regulations.

(2) The Chairman or in his absence any person chosen by the members present from amongst themselves shall preside at the meeting.

(3) At a meeting of the Corporation all questions shall be decided by a majority of votes of the members present, and for this purpose, each member shall have one vote and in the case of equality of votes the Chairman or, in his absence, the person presiding at the meeting shall have a second or casting vote.

43. *Penalty for wrongful withholding of property.*—If a director, managing agent, manager or other officer or employee of an existing air company who wilfully withholds or fails to deliver to the Corporation as required by sub-section (2) of section 21 any books, documents or papers which may be in his possession or who wrongfully obtains possession of any property of any such company which has vested in either of the Corporations under this Act or having any such property in his possession wrongfully withholds it from the Corporation or wilfully applies it to purposes other than those expressed in, or authorised by, this Act shall, on the complaint of the Corporation concerned, be punishable with fine which may extend to one thousand rupees and may be ordered by the Court trying the offence to deliver up or refund within a time to be fixed by the Court any such property improperly obtained or wrongfully withheld or wilfully misapplied or in default to suffer imprisonment which may extend to one year.

44. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the terms and conditions of service of the General Managers of the two Corporations; and such other categories of officers as may be specified from time to time under sub-section (1) of section 8.

(b) the form in which the budget of the two Corporations shall be prepared and submitted to the Central Government; and the form and the manner in which the accounts of the two Corporations shall be maintained and in which any returns or statistics shall be furnished or submitted;

(c) the reports which should be submitted by the Corporations and

the intervals within which they should be so submitted ;

(d) the maintenance of books of account ;
 (e) the establishment and maintenance of a fund by each of the Corporations for meeting any liability arising out of any act or omission in respect of which the Corporation may incur any liability to any third party ;

(f) the provision of depreciation, reserve and other funds ;
 (g) the prohibition of persons who are directly or indirectly interested in any subsisting contract with either of the Corporations from becoming or being employees of the Corporation ;

(h) the powers which may be exercised by either of the Corporations to facilitate the acquisition of any undertaking ;

(i) the issue of bonds by either of the Corporations to meet any compensation payable by it under this Act ;

(j) the training of the employees of either of the Corporations or other persons and the fees which may in its discretion be charged therefor ;

(k) the term of office and other conditions of service of members of the Air Transport Council constituted under section 30 ;

(l) the prohibition of any interference with any air transport service or with any property of the Corporation or of any interference with or obstruction of any officer or employee of the Corporation in the performance of his duty ;

(m) the punishment which shall not exceed imprisonment for three months or fine of rupees one thousand but which may consist of both such imprisonment and fine, in respect of any contravention of the provisions of any rules made under this section.

(3) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

45. Power of Corporations to make regulations.—(1) Each of the Corporations may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act or the rules made thereunder for the administration of the affairs of the Corporation and for carrying out its functions.

(2) In particular and without prejudice to the generality of the foregoing power, any such regulations may provide for all or any of the following matters, namely :—

(a) the time and place of the meetings of the Corporation and the procedure to be followed for the transaction of business at such meetings ;

(b) the terms and conditions of service of officers and other employees of the Corporation other than the General Manager and officer of any other categories referred to in section 44 ;

(c) the issue of passes by the Corporation to its officers and other employees either free of cost or at concessional rates for travel on its air services and the conditions relating thereto ;

(d) the authentication of orders and decisions of the Corporation and the instruments executed by it ;

(e) the grant of refund in respect of any unused tickets and the issue of concessional passes ;

(f) the period after the expiry of which unclaimed goods may be disposed of and the manner of their disposal ;

(g) the conditions governing the carriage of persons or goods on its services.

THE SCHEDULE

(See section 25)

PRINCIPLES FOR DETERMINING COMPENSATION UNDER THIS ACT.

Paragraph I.—The compensation which shall be given by Indian Airlines or Air India International, as the case may be, to any existing air company in respect of the vesting, in accordance with the provisions of this Act, of the undertaking of such company in that Corporation shall be the sum of the amounts computed in accordance with the provisions of paragraph II, less the sum of the amounts computed in accordance with the provisions of paragraph III.

Paragraph II.—(a) The aggregate written down value of all airframes of aircraft in respect of which there are certificates of airworthiness in force or which can be rendered fit for certificates of airworthiness if the Corporation concerned were to incur expenditure within the normal rates for rendering the airframes airworthy, plus—

A sum of Rs. 12,000/- in respect of each airframe of a Dakota aircraft and a sum of Rs. 24,000/- in respect of each airframe of a Viking aircraft in any case where the existing air company had obtained a certificate of airworthiness in respect of it within ninety days immediately preceding the appointed date or if a certificate of airworthiness had not actually been obtained within that period but the existing air company had incurred expenditure within that period for the purpose of rendering that airframe airworthy, the value of the spare parts used for the purpose subject to a maximum of Rs. 12,000/- in the case of each airframe of a Dakota aircraft and Rs. 24,000/- in the case of each airframe of a Viking aircraft.

Note.—In this Schedule, the expression “airframe” includes also the equipment of the aircraft, whether fixed or removable.

(b) the aggregate written down value of all such power plants, aero-engines, air screws, spare aero-engines, and spare air screws (all of which are in this Schedule collectively referred to as power plants) as are suitable for use in the airframes mentioned in sub-clause (a) and as are of an approved standard or can be rendered fit to be of an approved standard if the Corporation concerned were to incur expenditure within the normal rates for such purposes, plus the following, namely :—

(i) a sum of Rs. 6,000/- in respect of each engine of a Dakota aircraft and a sum of Rs. 12,000/- in respect of each engine of a Viking aircraft in any case where the existing air company had made it an approved engine within a period of ninety days immediately preceding the appointed date or if the engine had not been made completely fit to be an approved engine within that period but the existing air company had incurred expenditure within the said period for the purpose of making that engine an approved engine, then, the value of the spare parts used for that purpose subject to a maximum of Rs. 6,000/- in the case of each engine of a Dakota aircraft and Rs. 12,000/- in the case of each engine of a Viking aircraft ; and

(ii) a sum of Rs. 2,000/- in respect of the air screws and accessories of the power plant of a Dakota aircraft and a sum of Rs. 4,000/- in respect of the air screws and accessories of the power plant of a Viking aircraft in any case where the air screws and accessories had been rendered completely fit for the approved standard within a period of ninety days immediately preceding the appointed date or if the same had not been rendered completely fit for that standard within that period but the existing air company had incurred expenditure within that period for the purpose of rendering the same fit for the approved standard, then, the value of the spare parts used for that purpose subject to a maximum of

Rs. 2,000/- in the case of air screws and accessories of a Dakota aircraft and Rs. 4,000/- in the case of air screws and accessories of a Viking aircraft.

Note.—In this Schedule, the expression “approved standard” means such condition of efficiency of the power plant as satisfies the requirements laid down in Section E of Schedule III to the Indian Aircraft Rules, 1937.

(c) the cost of purchase of all serviceable general stores and all such other serviceable stores and spare parts (all of which are in this Schedule collectively referred to as stores and spare parts) belonging to the existing air company as are suitable for use in respect of the aircraft or power plants referred to in sub-clauses (a) and (b), *reduced* in each case by 20 *per cent.* of such cost of purchase :

Provided that the reduction shall be 10 *per cent.* in the case of stores and spare parts pertaining to Constellation and Skymaster aircraft.

Note.—In this Schedule—

(a) stores shall be deemed to be serviceable if they are such as to satisfy the requirements laid down in Section E of Schedule III to the Indian Aircraft Rules, 1937 ;

(b) without prejudice to the clause immediately preceding, stores (other than general stores) and spare parts shall also be deemed to be serviceable if by incurring expenditure of an amount not exceeding half the cost of purchase of such stores and spare parts, they can be rendered suitable for use in respect of the aircraft or power plants ;

(d) the aggregate actual cost to the existing air company of all lands other than lease-holds ;

(e) the total amount of the premiums paid by the company in respect of all lease-holds *reduced* in the case of each such premium by an amount which bears to such premium the same proportion as the expired term on the appointed date of the lease in respect of which such premium shall have been paid bears to the total term of the lease ;

(f) the scrap value of all such aircraft, power plants, propellers and other accessories, spare parts and stores, not falling within any of the preceding sub-clauses, and all properties as have become obsolete on the appointed date, the scrap value for the purposes of this Act being one *per cent.* of the book value of the relevant item of property ;

(g) the price paid by the existing air company for any trustee security held by it ;

(h) the value of any shares held by any existing air company in any other existing air company, the value being calculated on the basis of the valuation of the air transport undertaking of that other company in accordance with the provisions of this Schedule ;

(i) the market value on the appointed date or the purchase price, whichever is less, of any other investments held by any existing air company in any concern other than another existing air company which, subject to the provisions of section 22, have vested in the Corporation ;

(j) the amount of cash held by any existing air company on the appointed date whether in deposit with a bank or otherwise ;

(k) the amount of debts other than bad debts due to any existing air company, to the extent to which they are reasonably considered to be recoverable, *less* the amount of the debts, if any, excluded from the transfer to the Corporation concerned under the provisions of section 22 ;

(l) the aggregate cost of all licence fees paid by the company under clause (c) of sub-rule (1) of Rule 154 of the Indian Aircraft Rules, 1937, in respect of the licences granted to it for the operation of any scheduled air transport services and held by it on the appointed date and which but for the provisions of section 19 would continue to remain valid *plus* a sum

of Rs. 100 for each such licence : provided that the fees paid for each such licence shall be reduced by an amount which bears to such fees the same proportion as the period of the licence which shall have expired on the appointed date bears to the total period of the licence ;

(m) the aggregate written down value of all tangible assets other than those falling within the preceding clauses ;

(n) an aggregate amount not exceeding ten thousand rupees as may be agreed upon between the Corporation and the existing air company concerned or, failing agreement, which may be assessed by the Tribunal, in respect of all such assets, intangible or otherwise, as do not fall within any of the preceding sub clauses and in respect of the loss of any future profits which the existing air company might have earned but for the passing of this Act :

Provided that in assessing any amount under this clause regard shall be had to the following circumstances, namely :—

(i) the profits, if any, earned by it annually during the six years immediately preceding the appointed date on which income-tax has been paid,

(ii) the subsidies, if any, given to that company by the Central Government during such period, and

(iii) the probability or otherwise of the company earning future profits if it were allowed to continue its scheduled air transport services for the remaining period of the licence held by it after having due regard to the fact that the licences held by it did not confer any monopoly upon it in respect of the routes concerned and the fact that no subsidy would have been payable by the Central Government after the 31st day of December, 1952.

Explanation A.—For the purposes of this Schedule, the written down value in respect of each class of assets means the actual cost to the existing air company of such assets respectively, less the total depreciation calculated at the rates and in the manner following, namely :—

(i) in respect of each airframe, depreciation shall be calculated at 15 per cent. per annum for Constellation and Skymaster aircraft and 18 per cent. per annum for other aircraft from the date on which the aircraft concerned was first used in revenue operations by the company till the 31st day of December, 1952, the rates being applied as follows :—;

for the first year, on the actual cost of acquisition ;

for the second year, on an amount obtained by reducing from the actual cost of acquisition the amount of depreciation calculated as aforesaid for the first year ;

for the third year, on an amount obtained by reducing from the actual cost of acquisition the aggregate amount of depreciation calculated as aforesaid for the preceding two years ;
and so on ;

(ii) in respect of power plants, the depreciation shall be calculated at 20 per cent. per annum for Constellation and Skymaster aircraft and at 24 per cent. per annum for other aircraft from the date on which the power plant concerned was first used in revenue operations by the company till the 31st day of December, 1952, the rates being applied as follows :

for the first year, on the actual cost of acquisition ;

for the second year, on an amount obtained by reducing from the actual cost of acquisition the amount of depreciation calculated as aforesaid for the first year ;

for the third year, on an amount obtained by reducing from the

actual cost of acquisition the aggregate amount of depreciation calculated as aforesaid for the preceding two years ;
and so on ;

(iii) in respect of all tangible assets falling within clause (m) of Paragraph II, depreciation shall be calculated at the normal annual rates for which provision is made in the Indian Income-tax Act, 1922 (XI of 1922) and in the manner provided therein, but excluding initial or other special depreciation, from the date such assets were acquired or created by the existing air company until the 31st day of December, 1952 :

Provided that in respect of any such asset for which no provision has been made in the Indian Income-tax Act, 1922, the rate of depreciation shall be 10 per cent. per annum :

Provided further that in respect of any such asset situate on leasehold land other than land rented from Government, the depreciation shall be either—

(a) as provided in the preceding provisions of this clause, or

(b) equivalent to an amount which bears the same ratio to the total cost of acquisition or creation of the asset (situate on leasehold land) as the expired portion of the lease on the appointed date bears to the total period of the lease currently running, whichever is greater.

Explanation B.—For the purposes of this Schedule, the actual cost shall include, in the case of airframes, in addition to the cost of purchase or acquisition,—

(i) the actual expenditure, if any, incurred by the existing air company for reconversion or reconstruction of the airframe in order to render it fit for civil air transport before it was first used in revenue operations by the company, plus

(ii) the actual expenditure incurred in making the airframe airworthy before its first use in revenue operations.

Explanation C.—In the case of power plants, the actual cost shall include, in addition to the cost of purchase or acquisition, the cost incurred by the company for conversion or reconditioning, repairing or overhauling the power plant, in order to render it fit for the purposes of a certificate under paragraph 4 of Section E of Schedule III to the Indian Aircraft Rules, 1937, before the date of its first use in revenue operations.

Paragraph III.—Subject to the provisions of sections 22 and 23, all such liabilities as have been declared by the existing air company under the provisions of section 22 :

Provided that if any liability so declared has been under-stated, the Corporation may recover the additional amount from the company.

The Vindhya Pradesh Legislative Assembly (Prevention of Disqualification) Act, 1953.

The following Act of Parliament received the assent of the President on the 28th May 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 30th May 1953.

Act No. 28 of 1953.

[28th May, 1953]

An Act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the Legislative Assembly of the State of Vindhya Pradesh.

Enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the

Vindhya Pradesh Legislative Assembly (Prevention of Disqualification) Act, 1953.

(2) It shall be deemed to have come into force on the 26th day of April, 1952.

2. *Definition.*—In this Act, "District Advisory Council" means any District Advisory Council appointed under the order of the Government of Vindhya Pradesh in the General Administration Department No. 47, dated the 26th April, 1952.

3. *Prevention of disqualification for membership of the Legislative Assembly of Vindhya Pradesh in certain cases.*—It is hereby declared that the offices of members of any District Advisory Council shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Vindhya Pradesh.

4. *Indemnity for and removal of disqualification of certain members.*—For the removal of doubts it is hereby declared that the members of the Legislative Assembly of the State of Vindhya Pradesh mentioned in the Schedule shall be deemed never to have become disqualified for being members of the said Assembly by reason only of their having held offices of members of any District Advisory Council notwithstanding any law or decision to the contrary, and their seats shall be deemed never to have become vacant on such account and they shall be, and are hereby, freed and discharged and indemnified from all penal consequences incurred by them by sitting or voting as members of the said Assembly while holding offices of members of any District Advisory Council at any time before the passing of this Act.

THE SCHEDULE

(See section 4)

- (1) Shri Brajrai Singh Tiwari.
- (2) Shri Chandra Pratap Tiwari.
- (3) Shri Narendra Singh.
- (4) Shri Lal Mohammad.
- (5) Shri Panna Lal.
- (6) Shri Govinda Das.
- (7) Shri Pyare Lal.
- (8) Shri Shyam Sunder Das "Shyam".
- (9) Shri Laxmi Narain.
- (10) Shri Ramdas Chowdhury.
- (11) Shri Rilli Charnakar.
- (12) Shri Thakur Das Mishra.

The Tea Act, 1953.

The following Act of Parliament received the assent of the President on the 28th May 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 30th May 1953.

Act No. 29 of 1953.

[28th May, 1953]

An Act to provide for the control by the Union of tea industry, including the control, in pursuance of the International Agreement now in force, of the cultivation of tea in, and of the export of tea from, India and for that purpose to establish a Tea Board and levy a customs duty on tea exported from India.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Tea Act, 1953.

(2) It extends to the whole of India :

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to the control of the export of tea from, and the cultivation of tea in, India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Declaration as to expediency of control by the Union.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the tea industry.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Board" means the Tea Board constituted under section 4 ;

(b) "broker" means a broker of tea ;

(c) "cess" means the customs-duty imposed by section 25 ;

(d) "Customs-collector" means a Customs-collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878 (VIII of 1878) for the purposes of that Act, or of that Act as applied to the import and export of goods by air, or a Collector of Land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924 (XIX of 1924), as the case may be ;

(e) "dealer" means a dealer in tea ;

(f) "export" means to take out of India by land, sea or air to any place outside India other than a country or territory notified in this behalf by the Central Government by notification in the Official Gazette ;

(g) "export allotment" means the total quantity of tea which may be exported during any one financial year ;

(h) "Fund" means the Tea Fund referred to in section 27 ;

(i) "manufacturer" means a manufacturer of tea ;

(j) "member" means a member of the Board ;

(k) "owner"—

(i) with reference to a tea estate or garden or a sub-division thereof the possession of which has been transferred by lease, mortgage or otherwise, means the transferee so long as his right to possession subsists ; and

(ii) with reference to a tea estate or a garden or a sub-division for which an agent is employed, means the agent if, and in so far as, he has been duly authorised by the owner in that behalf ;

(l) "prescribed" means prescribed by rules made under this Act ;

(m) "standard export figure" means such quantity as the Central Government may, by notification in the Official Gazette, specify pursuant to any international agreement in this behalf ;

(n) "tea" means the plant *Camellia Sinensis* (L) O. Kuntze as well as all varieties of the product known commercially as tea made from the leaves of the plant *Camellia Sinensis* (L) O. Kuntze including green tea ;

(o) "tea seed" includes seeds, roots, stumps, cuttings, buds, and any living portion of the plant *Camellia Sinensis* (L) O. Kuntze which may be used to propagate that plant.

CHAPTER II

THE TEA BOARD

4. *Establishment and constitution of the Tea Board.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for the

purposes of this Act a Board to be called the Tea Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Board shall consist of a Chairman and such number of other members not exceeding forty as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among persons who are in its opinion capable of representing,—

- (a) owners of tea estates and gardens and growers of tea ;
- (b) persons employed in tea estates and gardens ;
- (c) manufacturers of tea ;
- (d) dealers including both exporters and internal traders of tea ;
- (e) consumers ;
- (f) Parliament ;
- (g) the Governments of the principal tea growing States ;
- (h) such other persons or class of persons, who, in the opinion of the Central Government, ought to be represented on the Board.

(4) The number of persons to be appointed as members from each of the categories specified in sub-section (3), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Board shall be such as may be prescribed.

(5) Any officer of the Central Government when deputed by that Government in this behalf shall have the right to attend meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.

5. *Vacancies, etc, not to invalidate acts and proceedings.*—No act done or proceeding taken by the Board under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

6. *Salary and allowances of Chairman.*—The Chairman shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may from time to time be fixed by the Central Government.

7. *Vice-Chairman.*—The Board shall elect from among its members a Vice-Chairman who shall exercise such of the powers and discharge such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

8. *Executive and other Committees.*—(1) There shall be an Executive Committee of the Board constituted in the manner prescribed.

(2) The Executive Committee shall exercise such of the powers and perform such of the duties of the Board as may be prescribed, or as the Board may delegate to it.

(3) Subject to such control and restrictions as may be prescribed the Board may constitute other Standing Committees or *ad hoc* Committees for exercising any power or discharging any duty of the Board or for enquiring into or reporting and advising on any matter which the Board may refer to them.

(4) A Standing Committee shall consist exclusively of members of the Board.

(5) An *ad hoc* Committee may include persons who are not members of the Board, but their number shall not exceed one half of its strength.

9. *Secretary and staff.*—(1) The Central Government shall appoint—

(a) a Secretary to the Board who shall exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Board or the Chairman ;

(b) all other officers of the Board drawing a salary of rupees one thousand or more per month.

(2) Subject to such control and restrictions as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions and pay them such salaries and allowances as it may determine from time to time.

(3) The Chairman, Secretary and other employees of the Board shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government.

10. *Functions of the Board.*—(1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the development under the control of the Central Government of the tea industry.

(2) Without prejudice to the generality of the provisions of subsection (1), the measures referred to therein may provide for—

(a) regulating the production and extent of cultivation of tea ;

(b) improving the quality of tea ;

(c) promoting co-operative efforts among growers and manufacturers of tea ;

(d) undertaking, assisting or encouraging scientific, technological and economic research and maintaining or assisting in the maintenance of demonstration farms and manufacturing stations ;

(e) assisting in the control of insects and other pests and diseases affecting tea ;

(f) regulating the sale and export of tea ;

(g) training in tea tasting and fixing grade standards of tea ;

(h) increasing the consumption in India and elsewhere of tea and carrying on propaganda for that purpose ;

(i) registering and licensing of manufacturers, brokers, tea waste dealers and persons engaged in the business of blending tea ;

(j) improving the marketing of tea in India and elsewhere ;

(k) collecting statistics from growers, manufacturers, dealers and such other persons as may be prescribed on any matter relating to the tea industry ; the publication of statistics so collected or portions thereof, or extracts therefrom ;

(l) securing better working conditions and the provisions and improvement of amenities and incentives for workers ;

(m) such other matters as may be prescribed.

(3) The Board shall perform its functions under this section in accordance with and subject to such rules as may be made by the Central Government.

11. *Dissolution of the Board.*—(1) The Central Government may, by notification in the Official Gazette, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification.

(2) When the Board is dissolved under the provisions of subsection (1).

(a) all members shall, from the date of dissolution, vacate their offices as such members ;

(b) all powers and duties of the Board shall, during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf ;

(c) all funds and other property vested in the Board shall, during the period of dissolution, vest in the Central Government ; and

(d) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

CHAPTER III

CONTROL OVER THE EXTENSION OF TEA CULTIVATION

12. *Method of control of extension of tea cultivation.*—(1) No one shall plant tea on any land not planted with tea on the date of commencement of this Act unless permission has been granted to him in writing by or on behalf of the Board.

(2) No tea area shall be replaced by planting tea on area not planted with tea unless permission has been granted to him in writing by or on behalf of the Board.

(3) Nothing in this section shall prohibit the infilling or supplying of vacancies on land planted with tea on the date of commencement of this Act or the replanting of tea upon—

(i) land planted with tea on the 31st day of March, 1950, from which original bushes have been uprooted, or

(ii) land planted with tea on the 31st day of March, 1948, from which the original bushes have been uprooted.

13. *Limitations to the extension of tea cultivation.*—(1) Subject to the provisions contained in sections 15 and 16, the total area of land in respect of which the permission referred to in section 12 may be granted, shall not exceed such area as may be determined by the Board under the general instructions of the Central Government.

(2) The total area of land in any State in respect of which such permission may be granted shall be such as may be determined by the Board:

Provided that the Board may vary the total area, so determined for any State in order to increase or diminish for another State the area in respect of which such permission may be granted by an amount corresponding to the extent to which the area in the first mentioned State has been diminished or increased.

(3) The Board shall publish the total area determined for India as well as the total areas determined for the various States by notification in the Official Gazette of the Central Government as soon as may be after the commencement of this Act and shall in like manner publish any subsequent variation of such total areas.

14. *Grant of permission to plant tea.*—(1) Applications for permission to plant tea on any land not planted with tea on the date of commencement of this Act shall be made to the Board and shall contain a clear statement of all special circumstances justifying the application.

(2) The Board may require an applicant to supply such information as it thinks necessary to enable the Board to deal with the application.

(3) Subject to such conditions and restrictions as may be prescribed, the Board may by order grant or refuse the permission applied for, or may in like manner grant it in part only or may call for further information from the applicant.

(4) No order by the Board under sub-section (3) shall be called in question by any court.

15. *Grant of permission to plant tea in special circumstances.*—(1) Where any land which was on the 31st day of March, 1933, planted with tea (including land planted with tea on the 31st day of March, 1931 from which the original bushes had been uprooted and which had not been

replanted with tea on the said 31st day of March, 1933), or where any land planted with tea after the 31st day of March, 1933—

(a) has since become wholly incapable of carrying tea through circumstances due to war, or through subsidence, flood, erosion, earth-quake or other irresistible superhuman cause, or

(b) has since been compulsorily acquired under the provisions of the Land Acquisition Act, 1894 (1 of 1894), or of any other law for the time being in force and no longer carries tea, or

(c) has since been transferred to the Central or a State Government or to a local authority and no longer carries tea, or

(d) has since been resumed by the lessor under the terms of any lease and no longer carries tea,

the owner of the tea estate in which such land is situated may apply to the Board for permission to plant tea on land not planted with tea.

Explanation.—Land taken for purposes connected with the prosecution of war on which tea bushes have been allowed to remain for protective purposes though no longer cultivated shall be deemed for the purposes of this section to be incapable of carrying or no longer to carry tea.

(2) Upon such application being made and upon proof to the satisfaction of the Board that the applicant is entitled to the benefit of sub-section (1) the Board may by order grant permission to plant tea on land not planted with tea :

Provided that the area of land in respect of which such permission is granted shall be within the same or an adjacent district and shall belong to the same or an adjacent tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired, transferred or resumed, as the case may be.

(3) All areas of land in respect of which permission to plant tea is granted under this section shall be excluded when computing for the purpose of section 13 the total area of land in respect of which the permission referred to in section 12 may be granted.

(4) If any land falling within the *Explanation* to sub-section (1) is subsequently restored to the tea estate from which it was subtracted, the owner of the estate shall either uproot the tea planted thereon, or uproot any tea planted by him in pursuance of a permission granted under sub-section (2).

16. *Tea nurseries.*—(1) The owner of a tea estate may establish nurseries on land not previously planted with tea for the growing of plants intended for infilling or supplying vacancies or for replanting land planted with tea within the area of the estate or for any other purpose approved by the Board.

(2) All areas of land utilised for nurseries in accordance with this section shall be excluded when computing for the purpose of section 13 the total area of land in respect of which the permissions referred to in section 12 may be granted.

CHAPTER IV

CONTROL OVER THE EXPORT OF TEA AND TEA SEED

17. *Control of export of tea and tea seed.*—(1) No tea shall be exported unless covered by a licence issued by or on behalf of the Board.

(2) No tea seed shall be exported unless covered by a permit issued by or on behalf of the Central Government.

(3) No tea or tea seed shall be taken by land, sea or air out of any State to any of the French or Portuguese Settlements bounded by India, unless covered by a permit issued by or on behalf of the Board.

18. *Tea or tea seed for export to be covered by licence or permit.*—(1) No consignment of tea or tea seed shall be shipped or waterborne to be shipped for export or shall be exported until the owner has delivered to the Customs-collector a valid export licence or special export licence or a valid permit issued by or on behalf of the Board or the Central Government, as the case may be, covering the quantity to be shipped.

(2) No consignment of tea or tea seed shall be shipped or waterborne to be shipped for carriage (or shall be taken by land or air) to any of the French or Portuguese Settlements bounded by India until the owner has delivered to the Customs-collector a permit issued by or on behalf of the Board covering the quantity to be shipped.

(3) No permit for the passage of any tea or tea seed by land into any of the French or Portuguese Settlements bounded by India shall be granted under sub-section (1) of section 5 of the Land Customs Act, 1924 (XIX of 1924), unless the application for such permit is accompanied by a permit granted in this behalf by the Board covering the quantity to be passed.

19. *Export allotment.*—The Central Government shall, after consulting the Board and paying due regard to all interests concerned and to the standard export figure, declare, by notification in the Official Gazette, the export allotment for each financial year :

Provided that the Central Government may by subsequent notification at any time during the financial year alter the export allotment and thereupon the export allotment as so altered shall be the export allotment for that year.

20. *Export of quotas and licences.*—(1) Subject to such conditions as may be prescribed, any tea estate or any sub-division of a tea-estate shall have the right to receive under this Act an export quota for each financial year.

(2) The export quota of a tea estate, or a sub-division of a tea estate, that is, the total quantity of tea which may be exported by the owner of a tea estate or a sub-division of a tea estate during the financial year, shall be an amount determined by the Board in accordance with such principles as may be prescribed :

Provided that when an export allotment is altered under the provisions of section 19, the export quota shall be liable to be altered accordingly.

(3) The total of export quotas allotted to tea estates and to sub-divisions thereof at any time during any financial year shall not exceed the export allotment for the time being for that year.

21. *Right to export licences.*—(1) The owner of a tea estate or a sub-division of a tea estate to which an export quota has been allotted for any financial year shall have the right to obtain at any time export licences during that year to cover the export of tea upto the amount of the un-exhausted balance of the quota, that is, upto the amount of the quota less the amount for which the export licences have already been issued against it.

(2) The right of the owner of a tea estate or a sub-division of a tea estate under this section may be transferred subject to such conditions as may be prescribed, and the transferee of any such right may again transfer the whole or any part of his right to the owner of a tea estate, or a sub-division of a tea estate but not to any other person :

Provided that nothing in this sub-section shall operate to restrict the issue of licences for the export of tea expressed to be sold with export rights.

(3) The owner of any tea estate or any sub-division of a tea estate

to which an export quota has been allotted or any person to whom he has transferred his rights may at any time before the 21st day of March of the financial year to which the quota relates apply in writing to the Board for an export licence to cover the export of tea upto the amount of the unexhausted balance of the quota.

(4) Every licence shall be in duplicate in the prescribed form, shall bear the date of its issue and shall be valid upto the end of the financial year in which it is issued :

Provided that, save as provided in section 22, the Board shall not issue any export licence after the end of the financial year in which the application for licence was made.

22. *Special export licences.*—(1) Where tea in respect of which an export licence has been or could have been granted under this Act has not been exported before the end of the financial year in which the licence was or could have been issued, the person to whom the licence was or could have been granted may, before the 14th day of April of the following financial year forward an application to the Board for a special export licence covering the same quantity of tea, and the Board shall, on receipt of the prescribed fee, if any, issue a special export licence accordingly.

(2) A person to whom a special export licence has been issued under sub-section (1) may transfer the special export licence with all the rights conferred thereby to a person or persons nominated by him, but a licence once so transferred shall not be further transferable.

(3) A special export licence shall be in duplicate in the prescribed form, shall bear the date of its issue and shall be valid upto the 31st day of May of the financial year in which it was issued.

(4) The quantity of tea covered by a special export licence shall be accounted for against the export quota of the year in which the original licence was or could have been issued under this Act.

(5) Notwithstanding anything contained in the foregoing sub-sections the Board may, with the general or special previous sanction of the Central Government refuse to issue a special export licence or postpone for so long as the Central Government may require the issue of any special export licence.

23. *Board to maintain accounts of quotas.*—(1) The Board shall maintain an account of every export quota showing, in addition to such other particulars as the Board may think fit, the licences issued against it and the unexhausted balance.

(2) Any owner of a tea estate or a sub-division of a tea estate shall be entitled, on payment of the requisite fee, to a copy of the account relating to his quota, certified in the manner laid down in the by-laws made by the Board.

24. *Limitation of application of Chapter.*—Nothing in this Chapter shall apply to tea—

(a) proved to the satisfaction of the Customs-collector to have been imported into India from any port outside India ; or

(b) shipped as stores on board any vessel or aircraft in such quantity as the Customs-collector considers reasonable having regard to the number of the crew and passengers and length of the voyage on which the vessel or aircraft is about to depart ; or

(c) exported by post in packages not exceeding ten pounds *avoirdu-pois* in weight ; or

(d) exported with the previous sanction of the Central Government, within the limits prescribed in this behalf, by a Red Cross Society or by

any organisation for providing amenities for troops overseas ; or
(e) taken as part of the personal luggage of a passenger.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

25. *Imposition of a duty of customs on export of tea.*—(1) A duty of customs shall be levied and collected on all tea exported or taken outside India at such rate not exceeding two rupees per one hundred pounds as the Central Government may notify in the Official Gazette.

(2) The cess levied under sub-section (1) shall be in addition to any other duty leviable under the Indian Tariff Act, 1934 (XXXII of 1934), or any other law for the time being in force and shall be collected by such agencies and in such manner as may be prescribed.

26. *Payment of proceeds of cess to the Board.*—The proceeds of the cess levied under sub-section (1) of section 25 shall first be credited to the Consolidated Fund of India, and the Central Government may thereafter, from time to time, pay to the Board from and out of such proceeds such sums of money as it may think fit after deducting the expenses of collection.

27. *Constitution of Fund.*—(1) There shall be formed a Fund to be called the Tea Fund, and there shall be credited thereto—

(a) the proceeds of the cess made over to the Board by the Central Government ;

(b) all fees levied and collected in respect of licences, permits and permissions issued under this Act ; and

(c) any other fee that may be levied and collected under this Act or the rules made thereunder.

(2) The Fund shall be applied towards meeting the expenses of the Board and the cost of the measures referred to in section 10.

28. *Borrowing powers of Board*—Subject to such rules as may be made in this behalf, the Board shall have power to borrow on the security of the Fund or any other asset for any purposes for which the Fund may be applied.

29. *Accounts and audit.*—(1) The Board shall cause accounts to be kept of all moneys received and expended by it.

(2) The accounts shall be audited every year by auditors appointed in this behalf by the Central Government and such auditors shall disallow every item, which in their opinion is not authorised by this Act or any rule made or direction issued thereunder.

(3) The Board may, within three months from the date of communication to it of the disallowance of any item, as aforesaid, appeal against such disallowance to the Central Government whose decision shall be final.

CHAPTER VI

CONTROL BY THE CENTRAL GOVERNMENT

30. *Power to control price and distribution of tea or tea waste.*—(1) The Central Government may, by order notified in the Official Gazette, fix in respect of tea of any description specified therein—

(a) the maximum price or the minimum price or the maximum and minimum prices which may be charged by a grower of tea, manufacturer or dealer, wholesale or retail, whether for the Indian market or for export;

(b) the maximum quantity which may in one transaction be sold to any person.

(2) Any such order may for reasons to be specified therein—

(a) fix prices for such tea differently in different localities or for different classes of dealers, or for growers of tea or manufacturers ;

(b) instead of specifying the price or prices to be charged, direct that price or prices shall be computed in such manner and by reference to such matters as may be provided by the order.

(3) The Central Government may, by general or special order—

(a) prohibit the disposal of tea or tea waste except in such circumstances and under such conditions as may be specified in the order ;

(b) direct any person growing, manufacturing or holding in stock tea or tea waste to sell the whole or a part of such tea or tea waste so grown or manufactured during any specified period, or to sell the whole or a part of the tea or tea waste so held in stock, to such person or class of persons and in such circumstances as may be specified in the order ;

(c) regulate by licences, permits or otherwise the production, storage, transport or distribution of tea or tea waste.

(4) Where in pursuance of any order made with reference to clause (b) of sub-section (3), any person sells the whole or a part of any quantity of tea or tea waste, there shall be paid to him as price therefor—

(a) where the price can be fixed by agreement consistently with the order, if any, relating to the fixation of price issued under sub-section (1), the price so agreed upon ;

(b) where no such agreement can be reached, the price calculated with reference to any such order as is referred to in clause (a) ;

(c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.

(5) Without prejudice to the generality of the powers conferred by sub-sections (1) and (3), any order made thereunder may provide—

(a) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, tea waste to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order ;

(b) for such other matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search, of tea or tea waste in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents and the charging of fees therefor.

31. *General control over acts and proceedings of the Board.*— (1) All acts and proceedings of the Board shall be subject to the control of the Central Government which may cancel, suspend or modify as it thinks fit any action taken by the Board.

(2) The Board shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

(3) The records of the Board shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Central Government.

32. *Appeal to Central Government.*—Any person aggrieved by an order of the Board under section 14, section 15 or section 20 may appeal to the Central Government within sixty days from the date thereof and the Central Government may cancel, modify or suspend any such order.

CHAPTER VII

MISCELLANEOUS

33. *Licensing of brokers, tea manufacturers, etc.*—The Central Government may whenever it thinks it necessary so to do, by notification in the

Official Gazette require that no person shall on and from such date as may be specified in the notification engage himself as a broker, manufacturer, or dealer in tea waste or engage himself in the business of blending tea except under and in accordance with the provisions of a licence issued by the Board in accordance with the rules made under this Act; and any person who on and after such date so engages himself without obtaining a licence issued by the Board shall be deemed to have contravened the provisions of this section.

34. Power of inspection.—Any person authorised in this behalf by the Central Government or by the Board or any member so authorised by the Chairman in writing or any officer of the Board may enter at all reasonable times any tea estate or any place or premises where tea or tea waste is stored, kept or exposed for sale and may require the production for his inspection of any book, register, record or other paper kept therein and ask for any information relating to the production, storage or keeping for sale of tea or tea waste.

35. Power of Board to call for returns.—(1) The Board may serve by registered post a notice upon the owner of any tea estate or any sub-division of a tea estate or upon his manager, requiring him to furnish, within such period as it may specify in the notice, such returns relating to the production, sale and export of tea produced on the estate or to any other matter as it may deem necessary.

(2) Where the owner of any tea estate or any sub-division of a tea estate or his manager being required under sub-section (1) to furnish any return fails to furnish such return within the period specified in the notice or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true, the Board may refuse to allot an export quota to that estate or sub-division under section 20, or where an export quota has already been allotted, may cancel the un-exhausted balance of that quota and refuse to issue any further export licences against that quota or recognise or give effect to any transfer of quota under section 21.

(3) The Board may serve by registered post a notice upon any manufacturer, broker, dealer or dealer in tea waste, requiring him to furnish, within such period as it may specify in the notice, such returns relating to the manufacture, stock, purchase, sale or export of tea or tea waste as it may deem necessary.

36. Penalty for illicit export.—A breach of the provisions of sub-section (1) or sub-section (2) of section 18 shall be punishable as if it were an offence under item No. 8 of section 167 of the Sea Customs Act, 1878 (VII of 1878), and the provisions of section 168 and of Chapter XVII of that Act shall apply accordingly.

37. Penalty for making false return.—Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

38. Penalty for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.—Any person who—

(a) obstructs a member authorised by the Chairman in writing or an officer of the Board or a person authorised in this behalf by the Central Government or by the Board in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having the control or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

39. Penalty for illicit cultivation.—Whoever knowingly plants tea or causes tea to be planted on any land in contravention of section 12 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

40. Removal of tea planted without permission.—Where any person has been convicted of any offence under section 39, the convicting court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were an arrear of land revenue due on the tea estate on which the offence was committed.

41. Penalty for contravention of order relating to control of price and distribution.—(1) If any person contravenes any order made sub-section (1) or sub-section (3) of section 30, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both; and the property in respect of which the order has been contravened or such part thereof as to the court may seem fit, shall be forfeited to the Central Government.

(2) Any person who attempts to contravene or abets the contravention of, any order under sub-section (1) or sub-section (3) of section 30 shall be deemed to have contravened that order.

42. Other penalties—Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 36, 37, 38, 39 and 41 shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

43. Offences by companies.—(1) If the person committing an offence under this Act, or the rules thereunder is a company, every person, who at the time the contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act or the rules thereunder has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director or manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals ; and

(b) “director” in relation to a firm means a partner in the firm.

44. *Jurisdiction of courts.*—No court inferior to that of a Presidency magistrate or a magistrate of the First Class shall try any offence punishable under this Act.

45. *Previous sanction of Central Government for prosecution.*—No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Central Government.

46. *Protection of action taken in good faith*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

47. *Power to delegate.*—The Central Government may, by order notified in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised in such cases and subject to such conditions, if any, as may be specified in the order by such officer or authority as may be specified therein.

48. *Suspension of operation of Act.*—(1) If the Central Government is satisfied that circumstances have arisen rendering it necessary that certain of the restrictions imposed by this Act should cease to be imposed or if it considers it necessary or expedient so to do in the public interest, the Central Government may, by notification in the Official Gazette, suspend or relax to a specified extent either indefinitely, or for such period as may be specified in the notification the operation of all or any of the provisions of this Act.

(2) Where the operation of any provisions of this Act has under sub-section (1) been suspended or relaxed indefinitely, such suspension or relaxation may at any time while this Act remains in force be removed by the Central Government by notification in the Official Gazette.

49. *Power of Central Government to make rules.*—(1) The Central Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the constitution of the Board, the number of persons to be appointed as members from each of the categories specified in sub-section (3) of section 4, the term of office and the other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the Board ;

(b) the circumstances in which, and the authority by which members may be removed ;

(c) the holding of a minimum number of meetings of the Board every year ;

(d) the pay, allowances and other conditions of service of the Secretary and other officers appointed by the Central Government ;

(e) the maintenance of records of all business transacted at meetings of the Board and the submission of copies of such records to the Central Government ;

(f) the conditions subject to which, and the mode in which, contracts may be made by or on behalf of the Board ;

(g) the preparation of budget estimate of the receipts and expendi-

ture of the Board and the authority by which such estimates shall be sanctioned ;

(h) the powers of the Board and the Executive Committee and the Chairman, in regard to the incurring of expenditure ; and the reappropriation of estimated savings in any budget head to another such head ;

(i) the conditions subject to which the Board may incur expenditure ;

(j) the conditions subject to which the Board may borrow ;

(k) the form and the manner in which accounts should be kept by the Board ;

(l) the basis on which the export quota of a tea estate or a subdivision of a tea estate shall be determined ;

(m) the conditions subject to which export quota, export licences and special export licences shall be transferable ;

(n) the conditions subject to which permits for the planting of tea on land not carrying tea shall be granted ;

(o) the collection of any information or statistics in respect of the tea industry and the tea trade ;

(p) the fees to be levied in respect of licences, permits and permissions issued under this Act ;

(q) the procedure for the grant or issue of licences, permits and permissions under this Act, the time within which such licences, permits or permissions shall be granted or issued including, in particular, the publication of notices calling for applications and the holding of such inquiry in regard thereto as may be necessary in the circumstances ;

(r) the form of application for licences, permits or permissions under this Act ;

(s) the manner in which a broker or a dealer in tea waste or a manufacturer shall be licensed under this Act and the levy of fees in respect of such licence ;

(t) the matters which may be taken into account in the granting or issuing of any licence, permit or permission under this Act including in particular the previous consultation with the Central Government by the Board in regard to the grant or issue of any such licences, permits or permissions ;

(u) the conditions which may be included in any licences, permits or permissions ;

(v) the returns to be furnished by owners of tea estates, or subdivisions thereof, manufacturers, dealers and brokers relating to the production, manufacture, stock, sale and export of tea and tea waste and the form and manner in which such returns are to be furnished ;

(w) the fees to be charged for granting certified copies of accounts of quotas ;

(x) any other fee that may be necessary for the Board to levy in order to determine or redetermine the basis on which export quota may be fixed ;

(y) any other matter which is to be or may be prescribed.

(3) All rules under this Act shall, as soon as they are made, be laid before both Houses of Parliament.

50. Power of Board to make by-laws.—(1) The Board may make by-laws consistent with this Act and the rules made thereunder, to provide for—

(a) the dates, times and places of its meetings and of the meetings, of the Executive and other Committees and quorum for such meetings, and the procedure thereat ;

(b) the delegation of powers and duties to the Executive or any other

Committee, or to its Chairman, Vice-Chairman, Secretary or any other of its officers ;

(c) the travelling allowances of members and of members of Committees ;

(d) the appointment, promotion and dismissal of its officers and other employees other than those appointed by the Central Government and the creation and abolition of their posts ;

(e) the conditions of service of its officers and other employees other than those appointed by the Central Government, including their pay, leave, leave allowances, pensions, gratuities, compassionate allowances and travelling allowances and the establishment and maintenance of a provident fund for them ;

(f) the maintenance of its accounts ;

(g) the persons by whom, and the manner in which payments, deposits and investments may be made on its behalf ;

(h) the custody of moneys required for its current expenditure and the investment of moneys not so required ;

(i) the preparation of statements showing the sums allotted to Departments of the Central and State Governments and other institutions.

(2) No by-law shall take effect until it has been confirmed by the Central Government and published in the Official Gazette, and the Central Government, in confirming a by-law may make any change therein which appears to be necessary.

(3) The Central Government may, by notification in the Official Gazette, cancel any by-law which it has confirmed and thereupon the by-law shall cease to have effect.

51. *Repeals and savings.*—(1) The Indian Tea Control Act, 1938 (VIII of 1938) and the Central Tea Board Act, 1949 (XIII of 1949) are hereby repealed.

(2) All moneys and other property and all rights and interests, of whatever kind, owned by, vested in, used, enjoyed or possessed by, or held in trust by or for, the Indian Tea Licensing Committee constituted under the Indian Tea Control Act, 1938, and the Central Tea Board constituted under the Central Tea Board Act, 1949, as well as all liabilities legally subsisting against that Committee or that Board shall pass to the Board with effect from the commencement of this Act.

(3) All officers and other employees of the Indian Tea Licensing Committee and the Central Tea Board who hold office as such immediately before the commencement of this Act shall be deemed to have been appointed as officers or other employees of the Board with effect from the commencement of this Act and, notwithstanding anything contained in any contract of service entered into by any such officer or other employee with the Indian Tea Licensing Committee or the Central Tea Board, shall be entitled to such pay and allowances and to such conditions of service in respect of other matters as may be determined by the Board with the approval of the Central Government.

(4) Any proceedings taken by the Indian Tea Licensing Committee or the Central Tea Board before the commencement of this Act may be continued by the Board after such commencement.

(5) Until action in that behalf is otherwise taken under the corresponding provisions of this Act or the rules made thereunder, all licences, permits and permissions issued or granted, all export quotas allotted and all fees fixed under the provisions of the Indian Tea Control Act, 1938, shall, unless inconsistent with the provisions of this Act, be deemed to

have been issued, granted, allotted or fixed under the corresponding provisions of this Act and the rules made thereunder.

(6) Any offence punishable under the Indian Tea Control Act, 1938, or the Central Tea Board Act, 1949, shall be punishable and may be dealt with as if it were an offence punishable under the corresponding provisions of this Act.

(7) Any other thing or action done or taken before the commencement of this Act by the Indian Tea Licensing Committee or the Central Tea Board shall so long as it is not inconsistent with any of the provisions of this Act, be as valid and effectual as if it had been done or taken by the Board after the commencement of this Act.

(8) For the removal of doubts, it is hereby declared that the provisions contained in sub-sections (2) to (7) inclusive shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897 (X of 1897).

(9) If any difficulty arises in giving effect to any of the provisions of this Act, the Central Government may as occasion may arise, by order, do anything which appears to be necessary for the purpose of removing the difficulty.

The Andhra State Act, 1953.

The following Act of Parliament received the assent of the President on the 14th September, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 14th September 1953.

Act No. 30 of 1953.

[14th September, 1953]

An Act to provide for the formation of the State of Andhra, the increasing of the area of the State of Mysore and the diminishing of the area of the State of Madras, and for matters connected therewith.

BE it enacted by Parliament as follows :—

PART I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Andhra State Act, 1953.

(2) This Part and sections 43, 54, 58, 61, 62, 63, 64, 66 and 69 shall come into force at once, and all other provisions of this Act shall come into force on the 1st day of October, 1953.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the 1st day of October, 1953 ;

(b) “article” means an article of the Constitution ;

(c) “Assembly constituency”, “Council constituency” and “Parliamentary constituency” have the same meaning as in the Representation of the People Act, 1950 (XLIII of 1950) ;

(d) “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the State of Madras or Mysore as constituted immediately before the appointed day ;

(e) “Order” means an Order published in the Official Gazette ;

(f) “sitting member”, in relation to either House of Parliament or of the Legislature of a State, means a person who immediately before the appointed day is a member of that House ;

(g) “transferred territory” means the territory added to the State of Mysore by sub-section (1) of section 4.

PART II

FORMATION OF ANDHRA STATE AND TRANSFER OF TERRITORY FROM
MADRAS TO MYSORE

3. *Formation of Andhra State.*—(1) As from the appointed day, there shall be formed a Part A State to be known as the State of Andhra comprising the territories which immediately before that day were comprised in Srikakulam, Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Nellore, Kurnool, Anantapur, Cuddapah and Chittoor districts and in the Alur, Adoni and Rayadurg taluks of Bellary districts in the State of Madras and the said territories shall thereupon cease to form part of the State of Madras.

(2) Without prejudice to the power of the State Government to alter hereafter the extent, boundaries and names of districts, the said taluks of Alur and Adoni shall be included in, and become part of, Kurnool district, and the said taluk of Rayadurg shall be included in, and become part of, Anantapur district.

4. *Transfer of territory from Madras to Mysore.*—(1) As from the appointed day, there shall be added to the State of Mysore the territory which immediately before that day was comprised in the taluks of Bellary district other than Alur, Adoni and Rayadurg in the State of Madras, and the said territory shall thereupon cease to form part of the State of Madras.

(2) Without prejudice to the power of the State Government to alter hereafter the extent, boundaries and names of districts, the transferred territory shall form a separate district to be known as Bellary district.

5. *Amendment of the First Schedule to the Constitution.*—In the First Schedule to the Constitution—

(a) in Part A, entries 1 to 9 shall be renumbered as entries 2 to 10 respectively, and before entry 2 as so renumbered, the entry "1. Andhra" shall be inserted;

(b) in Part A, in the description of the territories of States—

(i) before the paragraph relating to the territory of the State of Assam, the following paragraph shall be inserted, namely:—

"The territory of the State of Andhra shall comprise the territories specified in sub-section (1) of section 3 of the Andhra State Act, 1953." ; and

(ii) at the end of the last paragraph, the following shall be added, namely:—

"but in the case of the State of Madras shall not include the territories specified in sub-section (1) of section 3 and sub section (1) of section 4 of the Andhra State Act, 1953." ; and

(c) in Part B, at the end of the paragraph containing the description of the Territories of States, the following shall be added, namely:—

"and in the case of the State of Mysore shall also comprise the territory specified in sub-section (1) of section 4 of the Andhra State Act, 1953."

PART III

REPRESENTATION IN THE LEGISLATURES

Council of States

6. *Representation in the Council of States.*—The number of seats allotted to the State of Madras in the Council of States shall be reduced from 27 to 18, and there shall be allotted 12 seats to the State of Andhra in the said Council.

7. *Amendment of the Fourth Schedule to the Constitution.*—In the Fourth Schedule to the Constitution—

(a) in the Table of Seats relating to the States specified in Part A of the First Schedule—

- (i) entries 1 to 9 shall be renumbered as entries 2 to 10 respectively ;
- (ii) before entry 2 as so renumbered, the entry "1. Andhra.....12" shall be inserted ;
- (iii) in column 2, for the figures "27" and "145" the figures "18" and "148" shall respectively be substituted ;
- (b) at the end of the Table of Seats, for the figures "204" the figures "207" shall be substituted.

8. *Allocation of sitting members*—The nine sitting members of the Council of States representing the State of Madras whose names are specified in Part I of the First Schedule shall be deemed to have been elected by the elected Members of the Legislative Assembly of Andhra to fill nine of the seats allotted to the State of Andhra in the Council of States ; and the remaining eighteen sitting members whose names are specified in Part II of that Schedule shall continue to be members of the Council of States representing the State of Madras.

9. *Bye-election to fill vacancies*.—As soon as may be after the appointed day, there shall be held a bye-election to fill the vacancies existing on the appointed day in the seats allotted to the State of Andhra in the Council of States.

10. *Term of office*.—(1) Except as provided in sub-section (2), the terms of office of the members specified in the First Schedule shall remain unaltered, that is to say as indicated in that Schedule.

(2) The term of office—

(a) of one of the two members specified against serial numbers 4 and 5 in Part I of the First Schedule shall be increased so as to expire on the 2nd day of April, 1958, and

(b) of one of the seven members specified against serial numbers 7 to 13 in Part II of that Schedule shall be reduced so as to expire on the 2nd April, 1954.

(3) The member whose term of office is to be increased under clause (a) of sub-section (2) and the member whose term of office is to be reduced under clause (b) of that sub-section shall be determined as soon as may be after the appointed day by lot drawn in such manner as the Chairman of the Council of States may direct.

(4) The term of office of each of the three members to be elected by the elected members of the Legislative Assembly of Andhra under section 9 shall expire on the 2nd day of April, 1956.

House of the People

11. *Representation in the House of the People*.—(1) The number of seats allotted in the House of the People to the State of Madras shall be reduced from 75 to 46, the number of seats allotted to the State of Mysore shall be increased from 11 to 12, and there shall be allotted 28 seats to the State of Andhra in that House.

(2) In the First Schedule to the Representation of the People Act, 1950 (XLIII of 1950)—

(a) in the Part relating to Part A States,—

- (i) entries 1 to 9 shall be renumbered as entries 2 to 10 respectively, and before entry 2 as so renumbered, the following entry shall be inserted, namely :—

"1. Andhra.. 28" ; and

- (ii) for the entry in column 2 against Madras, the entry "46" shall be substituted ; and

(b) in the Part relating to Part B States, for the entry in column 2 against Mysore, the entry "12" shall be substituted.

12. *Delimitation of constituencies.*—The Delimitation of Parliamentary and Assembly Constituencies (Madras) Order, 1951 and the Delimitation of Parliamentary and Assembly Constituencies (Mysore) Order, 1951 shall, until other provision is made by law, have effect subject to the modifications directed by the Second Schedule.

13. *Provision as to sitting members.*—Every sitting member of the House of the People representing a constituency which on the appointed day by virtue of the provisions of section 12 stands transferred, whether with or without alteration of boundaries, to the State of Andhra or to the State of Mysore, shall be deemed to have been elected to the House of the People by that constituency as so transferred.

14. *Electoral rolls for modified Parliamentary constituencies.*—Where by virtue of the provisions of section 12, the extent of a Parliamentary constituency has altered, the electoral roll for that constituency as so altered shall, as from the appointed day and until it is revised in accordance with law, be deemed to consist of so much of the electoral roll or rolls for any Parliamentary constituency or constituencies as relate to the areas comprised within the constituency as so altered.

Legislative Assemblies

15. *Strength of Legislative Assemblies.*—(1) The total number of seats to be filled by persons chosen by direct election—

(a) in the Legislative Assembly of Andhra, shall be 140,

(b) in the Legislative Assembly of Madras, shall be reduced from 375 to 230, and

(c) in the Legislative Assembly of Mysore, shall be increased from 99 to 104.

(2) In the Second Schedule to the Representation of the People Act, 1950 (XLIII of 1950)—

(a) in the Part relating to Part A States,—

(i) entries 1 to 9 shall be renumbered as entries 2 to 10 respectively, and before entry 2 as so renumbered, the following entry shall be inserted, namely :—

"1. Andhra.....140" ; and

(ii) for the entry in column 2 against Madras, the entry "230" shall be substituted ; and

(b) in the Part relating to Part B States, for the entry in column 2 against Mysore, the entry '104' shall be substituted.

16. *Allocation of members* —(1) Every sitting member of the Legislative Assembly of Madras representing a constituency which on the appointed day by virtue of the provisions of section 12 stands transferred, whether with or without alteration of boundaries, to the State of Andhra or to the State of Mysore shall, as from the appointed day, cease to be a member of the Legislative Assembly of Madras and shall be deemed to have been elected to the Legislative Assembly of Andhra or, as the case may be, of Mysore by that constituency as so transferred.

(2) The sitting member of the Legislative Assembly of Madras nominated to that Assembly under article 333 to represent the Anglo-Indian community shall, notwithstanding the diminution in the area of that State, continue to represent the said community in that Assembly under that article.

17. *Duration of Legislative Assemblies* —(1) The period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative

Assembly of Andhra, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of Madras.

(2) The changes in the composition of the Legislative Assemblies of Madras and Mysore shall not affect the duration of either of those Assemblies as provided under clause (1) of article 172.

18. *Electoral rolls for modified Assembly constituencies.*—Where by virtue of the provisions of section 12 the extent of an Assembly constituency has altered, the electoral roll for that constituency as so altered shall, as from the appointed day and until it is revised in accordance with law, be deemed to consist of so much of the electoral roll or rolls for any Assembly constituency or constituencies as relate to the areas comprised within the constituency as so altered.

Legislative Councils

19. *Madras Legislative Council.*—(1) In the Legislative Council of Madras there shall be 51 seats of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 14, 4 and 4 respectively ;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Madras in accordance with the provisions of sub-clause (d) of the said clause shall be 18 ; and

(c) the number to be filled by persons nominated by the Governor of Madras in accordance with the provisions of sub-clause (e) of the said clause shall be 11 :

Provided that as from the 21st day of April, 1954—

(a) the number of seats to be filled by persons elected by the electorates referred to in sub-clause (b) of clause (3) of article 171 shall be increased to 6, and

(b) the number of seats to be filled by persons referred to in clause (c) of this sub-section shall be reduced to 9.

(2) The two additional seats allotted under clause (a) of the proviso to sub-section (1) shall, for the purpose of filling them for the first time, be deemed to be seats rendered vacant by the members of the Legislative Council of Madras retiring on the expiration of their terms of office on the 20th day of April, 1954.

(3) The Third Schedule to the Representation of the People Act, 1950 (XLIII of 1950) shall,—

(a) as from the appointed day and until the 21st day of April, 1954, stand amended as follows :—

For the entry relating to Madras, the entry—

“3. Madras 51 14 4 4 18 11” shall be substituted ; and

(b) as from the 21st day of April, 1954, stand amended as follows :—

For the entry relating to Madras, the entry—

“3. Madras 51 14 6 4 18 9” shall be substituted.

20. *Madras Council constituencies*—The Delimitation of Council Constituencies (Madras) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Third Schedule :

Provided that as from the 21st day of April, 1954, the Table appended to paragraph 2 of that Order shall have effect subject to the further modification that for the entry in column 3 thereof against “Madras (Graduates)” constituency the entry “6” shall be substituted.

21. Members of the Madras Legislative Council and their terms of office.—(1) The sitting members of the Legislative Council of Madras whose names are not specified in the Fourth Schedule shall, on the appointed day, cease to be members of that Council.

(2) The sitting members of the Legislative Council representing the Madras South (Graduates) constituency and the Madras South (Teachers) constituency shall, as from the appointed day be deemed to have been elected to the Legislative Council of Madras by the Madras (Graduates) constituency and the Madras (Teachers) constituency, respectively.

(3) The terms of office of those sitting members who do not cease to be members of the Legislative Council on the appointed day shall be determined in accordance with the provisions contained in the Fourth Schedule.

22. Mysore Legislative Council.—(1) The Delimitation of Council Constituencies (Mysore) Order, 1951, shall, until other provision is made by law, have effect subject to the modification directed by the Fifth Schedule.

(2) Any reference in the said Order to the State of Mysore shall be construed as including the territory added to that State by sub-section (1) of section 4.

(3) The sitting members of the Legislative Council of Mysore representing the Chitaldrug (Local Authorities) constituency shall, as from the appointed day, be deemed to have been elected to that Council by the Chitaldrug-cum-Bellary (Local Authorities) constituency.

(4) Every sitting member of the Legislative Council of Mysore representing the Mysore (Graduates) constituency or the Mysore (Teachers) constituency, the boundaries of which are by virtue of the provisions of sub-section (2) altered, shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

23. Electoral rolls for modified Council constituencies.—As soon as may be after the appointed day, the electoral rolls for the Mysore (Graduates) constituency and the Mysore (Teachers) constituency shall be revised and an electoral roll shall be prepared for the Chitaldrug-cum-Bellary (Local Authorities) constituency of the Mysore Legislative Council in accordance with the provisions of the Representation of the People Act, 1950 (XLIII of 1950), and the rolls so revised or prepared shall come into force immediately upon their final publication in accordance with the rules made under that Act.

MISCELLANEOUS

24. Revision of the Scheduled Castes and Scheduled Tribes Orders.—The Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, shall have effect subject to the modifications directed by the Sixth Schedule.

25. Rules of Procedure of the Andhra Legislative Assembly.—The rules as to procedure and conduct of business in force immediately before the appointed day with respect to the Legislative Assembly of the State of Madras shall, until rules are made under clause (1) of article 208, have effect in relation to the Legislative Assembly of the State of Andhra subject to such modifications and adaptations as may be made therein by the Speaker thereof.

26. Amendment of section 2, Act XLIII of 1950.—Section 2 of the Representation of the People Act, 1950 (XLIII of 1950), shall be renumbered as sub-section (1) of section 2 and to the said section as so renumbered, the following sub-section shall be added, namely :—

“(2) Any reference in this Act to an order made under section 6, section 9 or section 11 shall, unless the context otherwise requires, be construed as including a reference to any such order as modified under section 12, section 20 or section 22, as the case may be, of the Andhra State Act, 1953.”

27. *Amendment of section 9, Act LXXXI of 1952.*—In sub-section (3) of section 9 of the Delimitation Commission Act, 1952 (LXXXI of 1952), for the words “and the orders made under either of the said Acts” the following shall be substituted, namely :—

“the Andhra State Act, 1953, and the orders made under any of the said Acts.”

PART IV

HIGH COURTS

28. *High Court for Andhra.*—(1) As from the 1st day of January, 1956, or such earlier date as may be appointed under sub-section (2), there shall be a separate High Court for the State of Andhra (hereinafter referred to as “the High Court of Andhra”).

(2) The President may, if a resolution recommending the establishment of a separate High Court for the State of Andhra has, after having been adopted by the Legislative Assembly of that State, been submitted to him, appoint, by notification in the Official Gazette, a date earlier than the 1st day of January, 1956, for the purpose of sub-section (1).

(3) The date mentioned in sub-section (1) or, if an earlier date is appointed under sub-section (2), the date so appointed is hereinafter referred to as the “prescribed day”.

(4) The principal seat of the High Court of Andhra shall be at such place as the Governor of Andhra may, before the prescribed day, by order, appoint :

Provided that if a resolution recommending any place for such principal seat is adopted by the Legislative Assembly of Andhra, such place shall be appointed by the Governor as the principal seat.

29. *Judges of the Andhra High Court.*—(1) Such of the Judges of the High Court at Madras holding office immediately before the prescribed day as may be determined by the President shall on that day cease to be Judges of the High Court at Madras and become Judges of the High Court of Andhra.

(2) The persons who by virtue of sub-section (1) become Judges of the High Court of Andhra shall, except in the case where any such person is appointed to be the Chief Justice of that High Court rank in that Court according to the priority of their respective appointments as Judges of the High Court at Madras.

(3) Any person who by virtue of sub-section (1) becomes a Judge of the High Court of Andhra shall, except in the case where a Judge other than the Chief Justice of the High Court at Madras is appointed to be the Chief Justice of the High Court of Andhra, continue to be entitled to receive in respect of time spent on actual service as a Judge of the High Court of Andhra the special pay which he was drawing immediately before the prescribed day under sub-paragraph (2) of paragraph 10 of the Second Schedule to the Constitution.

30 *Jurisdiction of Andhra High Court.*—The High Court of Andhra shall have, in respect of the territories for the time being included in the State of Andhra, all such original, appellate and other jurisdiction as, under the law in force immediately before the prescribed day, is exercisable in respect of the said territories or any part thereof by the High Court at Madras.*

31. *Power to enrol advocates, etc.*—(1) The High Court of Andhra shall have the like power to approve, admit, enrol, remove and suspend advocates and attorneys, and to make rules with respect to advocates and attorneys, as are, under the law in force immediately before the prescribed day, exercisable by the High Court at Madras.

(2) The right of audience in the High Court of Andhra shall be regulated in accordance with the like principles as, immediately before the prescribed day, are in force with respect to the right of audience in the High Court at Madras :

Provided that, subject to any rule made or direction given by the High Court of Andhra in the exercise of the powers conferred by this section, any person who immediately before the prescribed day is an advocate entitled to practise or an attorney entitled to act in the High Court at Madras shall be recognised as an advocate or an attorney entitled to practise or to act, as the case may be, in the High Court of Andhra.

32. *Practice and procedure in Andhra High Court.*—Subject to the provisions of this Part, the law in force immediately before the prescribed day with respect to practice and procedure in the High Court at Madras shall, with the necessary modifications, apply in relation to the High Court of Andhra, and accordingly that High Court shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before the prescribed day exercisable by the High Court at Madras :

Provided that any rules or orders which are in force immediately before the prescribed day with respect to practice and procedure in the High Court at Madras shall, until varied or revoked by rules or orders made by the High Court of Andhra, apply with the necessary modifications in relation to practice and procedure in the High Court of Andhra as if made by that Court.

33. *Custody of the Seal of the Andhra High Court.*—The law in force immediately before the prescribed day with respect to the custody of the Seal of the High Court at Madras shall, with the necessary modifications, apply with respect to the custody of the Seal of the High Court of Andhra.

34. *Form of writs and other processes.*—The law in force immediately before the prescribed day with respect to the form of writs and other processes used, issued or awarded by the High Court at Madras shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Andhra.

35. *Powers of Judges.*—The law in force immediately before the prescribed day relating to the powers of the Chief Justice, single judges and division courts of the High Court at Madras and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Andhra.

36. *The place of sitting of the High Court.*—The judges and division courts of the High Court of Andhra may sit at such place or places in the State of Andhra other than its principal seat as the Chief Justice may, with the approval of the Governor of Andhra, appoint.

37. *Procedure as to appeals to the Supreme Court.*—The law in force immediately before the prescribed day relating to appeals to the Supreme Court from the High Court at Madras and the judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court of Andhra.

38. *Transfer of proceedings from Madras High Court to Andhra High Court.*—(1) Except as hereinafter provided, the High Court at Madras

shall, as from the prescribed day, have no jurisdiction in respect of the State of Andhra.

(2) Such proceedings pending in the High Court at Madras immediately before the prescribed day as are certified, whether before or after that day, by the Chief Justice of that High Court having regard to the place of accrual of the cause of action and other circumstances to be proceedings which ought to be heard, and decided by the High Court of Andhra shall as soon as may be after such certification be transferred to the High Court of Andhra.

(3) Notwithstanding anything contained in sub sections (1) and (2) of this section or in section 30, but save as hereinafter provided, the High Court at Madras shall have, and the High Court of Andhra shall not have jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal including leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court at Madras before the prescribed day :

Provided that if after any such proceedings have been entertained by the High Court at Madras, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Andhra he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Madras—

(a) before the prescribed day, in any proceedings transferred to the High Court of Andhra by virtue of sub-section (2), or

(b) in any proceedings with respect to which the High Court at Madras retains jurisdiction by virtue of sub-section (3), shall for all purposes have effect, not only as an order of the High Court at Madras, but also as an order made by the High Court of Andhra.

39. *Savings.*—Nothing in this Part shall affect the application to the High Court of Andhra of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the prescribed day with respect to that High Court by any Legislature or other authority having power to make such provision.

40. *Transitional provisions.*—(1) The provisions of this section shall have effect with respect to the period beginning on the appointed day and ending immediately before the prescribed day.

(2) The jurisdiction of the High Court at Madras shall extend to the State of Andhra, and the said High Court shall, in relation to the territories of that State, continue to have such jurisdiction as it had immediately before the appointed day.

41. *High Court for the added areas of Mysore.*—(1) Except as hereinafter provided—

(a) the jurisdiction of the High Court of Mysore shall, as from the appointed day, extend to the whole of the transferred territory, and

(b) the High Court at Madras shall, as from that day, have no jurisdiction in respect of the transferred territory.

(2) Such proceedings pending in the High Court at Madras immediately before the appointed day as are certified by the Chief Justice of that High Court having regard to the place of accrual of the cause of action and other circumstances to be proceedings which ought to be heard and decided by the High Court of Mysore shall, as soon as may be after such certification, be transferred to the High Court of Mysore.

(3) Notwithstanding anything contained in sub-sections (1) and (2),

but save as hereinafter provided, the High Court at Madras shall have, and the High Court of Mysore shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal including leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court at Madras before the appointed day :

Provided that if after any such proceedings have been entertained by the High Court at Madras, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Mysore he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Madras—

(a) before the appointed day in any proceedings transferred to the High Court of Mysore by virtue of sub-section (2) : or

(b) in any proceedings with respect to which the High Court at Madras retains jurisdiction by virtue of sub-section (3), shall for all purposes have effect, not only as an order of the High Court at Madras, but also as an order made by the High Court of Mysore.

(5) Any person who immediately before the appointed day is an advocate entitled to practise or an attorney entitled to act in the High Court at Madras and was authorised to appear or to act in any proceedings transferred from that High Court to the High Court of Mysore under sub-section (2) or the proviso to sub-section (3) shall, on such transfer of the proceedings, have the right to appear or to act, as the case may be, in the High Court of Mysore in relation to those proceedings as an advocate or an attorney entitled to practise or to act in the High Court of Mysore.

42. *Interpretation.*—For the purposes of sections 38 and 41—

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal including leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs ;

(b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

PART V

FINANCIAL PROVISIONS

43 *Authorisation of expenditure pending its sanction by Legislature.*—

(1) The Governor of Madras may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Andhra and the Consolidated Fund of the State of Madras as he deems necessary for a period of not more than four months beginning with the appointed day pending the sanction of such expenditure by the Legislature of the State of Andhra or the State of Madras, as the case may be :

Provided that the Governor of Andhra may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Andhra for any period not extending beyond the said period of four months.

(2) The Rajpramukh of Mysore may also, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Mysore as he deems necessary for meeting the additional expenditure in respect of the transferred territory for a period of not

more than four months beginning with the appointed day pending the sanction of such expenditure by the Legislature of the State.

44. *Vote on account by the Madras Legislative Assembly.*—Any grant made by the Legislative Assembly of Madras under sub-clause (a) of clause (1) of article 206 in respect of the estimated expenditure for a part of the financial year 1953-54 and the law made by the Legislature of that State authorising the withdrawal of moneys from the Consolidated Fund of the State for the purposes for which the said grant has been made shall, notwithstanding that the procedure prescribed in article 203 for the voting of such grant has not been completed and the law in accordance with the provisions of article 204 in relation to such expenditure has not been passed before the appointed day, be deemed to be sufficient authority for all expenditure incurred before that day for the purposes for which the said grant has been made and for the withdrawal of moneys before that day from the Consolidated Fund of the State in relation to such expenditure.

45. *Authorisation under the Madras Appropriation Act to cease.*—As from the appointed day, any Act passed by the Legislature of Madras before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year 1953-54 shall cease to have effect.

46. *Reports relating to the accounts of Madras State.*—The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the State of Madras in respect of any period prior to the appointed day shall be submitted to the Governor of each of the States of Andhra and Madras who shall cause them to be laid before the Legislature of the State.

47. *Apportionment of assets and liabilities.*—(1) Subject to the other provisions of this Part, the assets and liabilities of the State of Madras immediately before the appointed day shall be apportioned between that State and the States of Andhra and Mysore in accordance with the provisions contained in the Seventh Schedule.

(2) Any dispute relating to, or arising out of, such apportionment shall be referred to the President whose decision shall be final.

48. *Contracts*—(1) Where before the appointed day the State of Madras has made any contract in the exercise of the executive power of that State for any purposes of the State, then such contract shall

(a) if such purposes are as from that day—

(i) exclusively purposes of the State of Andhra, or

(ii) partly purposes of the State of Andhra and partly purposes of the State of Mysore and not purposes of the State of Madras as constituted on the appointed day, be deemed to have been made in the exercise of the executive power of the State of Andhra instead of the State of Madras ;

(b) if such purposes are as from that day exclusively purposes of the State of Mysore, be deemed to have been made in the exercise of the executive power of that State instead of the State of Madras ; and

(c) in any other case, continue to have effect as having been made in the exercise of the executive power of the State of Madras ;

and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the State of Madras as constituted immediately before the appointed day, be rights or liabilities of the State of Andhra, the State of Mysore or the State of Madras, as the case may be.

(2) For the purposes of this section there shall be deemed to be

included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the provisions relating to apportionment of liabilities in respect of loans, guarantees and other financial obligations contained in the Seventh Schedule; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under the said provisions.

49. *Liability in respect of actionable wrong.*—Where immediately before the appointed day, the State of Madras is subject to any liability in respect of an actionable wrong other than breach of contract, that liability shall,—

(a) where the cause of action arose —

(i) wholly within the territories which as from that day are the territories of the State of Andhra, or

(ii) partly within the territories which as from that day are the territories of the State of Andhra and partly within the transferred territory but not within any part of the territories which as from that day are the territories of the State of Madras, be a liability of the State of Andhra;

(b) where the cause of action arose wholly within the transferred territory, be a liability of the State of Mysore; and

(c) in any other case, continue to be a liability of the State of Madras.

50. *Liability as guarantor* — If immediately before the appointed day, the State of Madras is liable as guarantor in respect of any liability of a Co-operative Society which is registered under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932) and whose area of operations is limited to the whole or any part of the territories which on the appointed day become the territories of the State of Andhra, then as from that day the said liability of the State of Madras in respect of such guarantee shall be a liability of the State of Andhra.

51. *Power of President to order allocation or adjustment in certain cases.*—Where by virtue of any of the provisions of sections 47 to 50 or of the Seventh Schedule, any of the States of Madras, Andhra and Mysore becomes entitled to any property or obtains any other benefits or becomes subject to any liability, and the President is of opinion, on a reference made within a period of three years from the appointed day, by any State concerned, that it is just and equitable that that property or those benefits should be transferred to or shared with one or both of the other States, or a contribution towards that liability should be made by one or both of the other States, the said property or benefits shall be allocated in such manner, or the other State or States shall make to the State primarily subject to the liability such contribution in respect thereof, as the President may, after consultation with the State Governments concerned, by order determine.

52. *Certain expenditure to be charged on the Consolidated Fund of the State.*—All sums payable by any of the States of Madras, Andhra and Mysore to any one of the other two States or to the Central Government by virtue of the provisions of paragraph 12 or paragraph 17 of the Seventh Schedule, shall be charged on the Consolidated Fund of the State by which such sums are payable.

PART VI

LEGAL PROVISIONS

53. *Territorial extent of laws.*—The provisions of Part II shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies and territorial references in any such law to the State of Madras or of Mysore shall, until otherwise provided by a competent Legislature or other competent authority, continue to have the same meaning.

54. *Power to adapt laws.*—For the purpose of facilitating the application in relation to the State of Andhra, Madras or Mysore of any law made before the appointed day, the appropriate Government may, before the 1st day of April, 1954, by order make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression “appropriate Government” means as respects a law relating to a matter enumerated in List I of the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government of Andhra, Madras or Mysore, as the case may be.

55. *Power to construe laws.*—Notwithstanding that no provision or insufficient provision has been made under section 54 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Andhra, Madras or Mysore, construe the law with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court, tribunal or authority, as the case may be.

56. *Power to name authorities, etc., for exercising statutory functions.*—The Governor as respects the State of Andhra and the Rajpramukh as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who as from the appointed day shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

57. *Legal proceedings concerning the State of Madras.*—Where immediately before the appointed day, the State of Madras is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the State of Madras and the States of Andhra and Mysore under this Act, the State which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the State of Madras as a party to those proceedings or to be added as a party thereto, as the case may be, and the proceedings may continue accordingly.

58. *Provisions as to certain pending proceedings.*—(1) Every proceeding pending immediately before the appointed day before a court (other than the High Court), tribunal, authority or officer—

(a) in any area which on that day falls within the State of Madras or the transferred territory shall, if it is a proceeding relating exclusively to any part of the territories which as from that day are the territories of the State of Andhra, stand transferred to the corresponding court, tribunal, authority or officer in the State of Andhra, or

(b) in any area which on that day falls within the State of Madras

or the State of Andhra shall, if it is a proceeding relating exclusively to any part of the transferred territory, stand transferred to the corresponding court, tribunal, authority or officer in the State of Mysore.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred for the decision of the Chief Justice of the High Court at Madras and his decision shall be final.

(3) In this section—

(a) "proceeding" includes any suit, case or appeal, and

(b) "corresponding court, tribunal, authority or officer" in relation to a State means—

(i) the court, tribunal, authority or officer in which the proceeding would have lain if the proceeding had been instituted after the appointed day, or

(ii) in case of doubt, such court, tribunal, authority or officer in the State as may be determined, before the appointed day by the Governor of Madras, and after the appointed day by the Governor or Rajpramukh, of that State, to be the corresponding court, tribunal, authority or officer.

PART VII

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

59. *Provisions for detention in, and power to commit to, certain jails and other institutions*—(1) The Government of Madras and the Government of Mysore shall, for a period of five years from the appointed day, make available to the Government of Andhra the jails and other institutions specified in Part I and Part II respectively of the Eighth Schedule for the reception and detention of persons committed to, or ordered to be detained in, such jails or institutions by any court, tribunal or other authority in the State of Andhra.

(2) It shall be competent for a court, tribunal or other authority in the State of Andhra to order the commitment to, or detention in, any of the jails and other institutions specified in the Eighth Schedule during the period referred to in sub-section (1) of persons convicted and sentenced, or ordered to be detained therein, by such court, tribunal or other authority notwithstanding that such jail or institution is outside the State.

(3) The terms and conditions subject to which the jails and other institutions specified in the Eighth Schedule shall be used by the Government of Andhra for the purposes referred to in sub-section (1) shall be such as may be agreed upon between the Governments concerned by the 1st day of January, 1954, or, if no agreement is reached by the said date, as may be fixed by order of the President.

60. *Continuance of facilities in certain State institutions*.—The Government of Madras and the Government of Mysore, in respect of the institutions specified in Part I and Part II, respectively, of the Ninth Schedule shall provide for the Government and the people of the State of Andhra such facilities, for such period and upon such terms and conditions as may be agreed upon between the Governments concerned by the 1st day of January, 1954, or, if no agreement is reached by the said date, as may be fixed by order of the President.

61. *Provisions relating to the Indian Administrative Service and the Indian Police Service*.—(1) In place of the cadres of the Indian Administrative Service and the Indian Police Service existing in the State of Madras immediately before the appointed day, there shall, as from that day, be two separate cadres, one for the State of Andhra and the other for the State of Madras, in respect of each of these Services.

(2) The President shall, by order, determine the strength and composition of, and the allocation of individual officers to, the said cadres for each of the States of Andhra and Madras.

(3) Every officer allocated under sub-section (2) to the cadre for the State of Andhra who immediately before the appointed day is serving in connection with the affairs of the State of Madras shall,—

(a) if immediately before the appointed day he is holding any post in any area which on that day falls in the State of Andhra, be as from that day, deemed to have been duly appointed to that post by the Government of Andhra ; and

(b) if immediately before the appointed day he is not holding any post in any such area, be appointed by the Government of Andhra to a post in connection with the affairs of that State.

62 *Provisions relating to the Indian Civil Service, the Indian Police, the Indian Service of Engineers and the Indian Forest Service.*—(1) In respect of the members borne on the Madras cadre of the Services known as the Indian Civil Service, the Indian Police, the Indian Service of Engineers and the Indian Forest Service, the President shall, by order, determine the allocation of individual officers to the States of Andhra and Madras.

(2) Every officer allocated under sub-section (1) to the State of Andhra, who immediately before the appointed day, is serving in connection with the affairs of the State of Madras shall—

(a) if, immediately before the appointed day, he is holding any post in any area which on that day falls in the State of Andhra, be deemed, as from that day, to have been duly appointed to that post by the Government of Andhra ; and

(b) if, immediately before the appointed day, he is not holding any post in any such area, be appointed by the Government of Andhra to a post in connection with the affairs of that State.

63. *Provisions relating to other Services*—(1) The President may by general order require all persons who immediately before the appointed day are serving in connection with the affairs of the State of Madras in the territories specified in sub-section (1) of section 3 or in the transferred territory and who under the terms of their appointments or their conditions of service are not normally liable to be transferred outside the said territories or territory in which they are serving, to serve as from the appointed day in connection with the affairs of the State of Andhra or the State of Mysore, as the case may be, and all allocations so made by the President shall be final.

(2) The President may by special order require any person who is serving immediately before the appointed day in connection with the affairs of the State of Madras and to whom the provisions of sub-section (1) do not apply, to serve in connection with the affairs of the State of Andhra.

(3) Every person who is required to serve under sub-section (1) or sub-section (2) in connection with the affairs of the State of Andhra or the State of Mysore shall,—

(a) if immediately before the appointed day he is holding any post in connection with the affairs of the State of Madras in any area which on that day falls in the State in which he is so required to serve, be deemed as from that day to have been duly appointed to that post by the Government of, or by other appropriate authority in, the State concerned in connection with the affairs of that State ; and

(b) if immediately before the appointed day he is not holding any post in any such area, be appointed by the Government of, or by other appropriate authority in, the State concerned, to a post in connection with the affairs of that State.

(4) All persons who are required by the President under sub-section (2) to serve in connection with the affairs of the State of Andhra shall be classified by him into the following two categories, namely :—

(i) officers whose allocation to the State of Andhra is final (hereinafter referred to in this section as "allotted officers"), and

(ii) officers required by the President to serve in connection with the affairs of the State of Andhra for a limited period as provided in sub-section (5) (hereinafter referred to in this section as "transferred officers").

(5) The period for which a transferred officer may be required to serve in connection with the affairs of the State of Andhra shall be two years :

Provided that the Government of Andhra may return any such officer to the State of Madras at any time before the expiration of the said period after giving three months' notice to him and to the Government of Madras

(6) An officer shall be classified under sub-section (4) as an allotted officer or a transferred officer according as he is, or is not, in the opinion of the President, suitable for final allotment to the State of Andhra.

(7) A transferred officer shall, during the period he is required to serve in connection with the affairs of the State of Andhra,—

a) continue to be in the service of the State of Madras and be deemed to be on deputation to the State of Andhra, and

(b) be entitled in addition to the remuneration which he would have drawn if he had continued during such period to serve in connection with the affairs of the State of Madras, to such allowances as the President may by general or special order determine.

(8) A transferred officer shall not be dismissed, removed or reduced in rank except with the previous concurrence of the Government of Madras, and if the Government of Madras does not concur in any such proposal of the Government of Andhra, then the Government of Andhra shall notwithstanding anything contained in sub-section (5) return the officer concerned to the State of Madras.

(9) Subject to the provisions of sub-sections (7) and (8), the conditions of service of a transferred officer shall be the same as they would have been if he had continued to serve in connection with the affairs of the State of Madras during the period he is required to serve in connection with the affairs of the State of Andhra.

(10) The foregoing provisions of this section shall not apply in relation to any person to whom the provisions of section 61 or section 62 apply.

64. Power of President to give directions—The President may give such directions to the States of Madras, Andhra and Mysore as may appear to him to be necessary for the purpose of giving effect to the provisions of sections 61, 62 and 63 and ensuring the proper division of services among those States.

65. Report of the Madras Public Service Commission.—The report of the Madras Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of Andhra and Madras, and the Governor of Madras shall on receipt of such report cause

a copy thereof together with a memorandum explaining, as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Madras and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Andhra.

66. *Special provisions with regard to Tungabhadra Project.*—(1) Notwithstanding anything contained in this Act but subject to the provisions of paragraph 12 of the Seventh Schedule, all rights and liabilities of the State of Madras in relation to the Tungabhadra Project or the administration thereof shall, on the appointed day, be the rights and liabilities of the States of Andhra and Mysore subject to such adjustments as may be made by agreement entered into by the said States after consultation with the President or, if no such agreement is entered into within two years from the appointed day, as the President may by order determine having due regard to the purposes of the Project, and any such order may provide for the management of the Project jointly by the said States or otherwise :

Provided that the order so made by the President may be varied by any subsequent agreement entered into by the States of Andhra and Mysore.

(2) An agreement or order referred to in sub-section (1) shall, if there has been an extension or further development of the Project after the appointed day, provide also for the rights and liabilities of the States of Andhra and Mysore in relation to such extension or further development.

(3) The rights and liabilities referred to in sub-sections (1) and (2) shall include—

(a) the rights to receive and to utilise water which may be available for distribution as a result of the Project,

(b) the rights to receive and to utilise the power generated as a result of the Project,

(c) the rights and liabilities in respect of the administration of the Project and the construction, maintenance and operation thereof, but shall not include the rights and liabilities under any contract entered into before the appointed day by the Government of Madras with any person other than Government.

(4) The President may from time to time give such directions as may appear to him to be necessary generally in regard to any of the matters specified in the foregoing provisions of this section and, in particular, for the completion of the Project and its operation and maintenance thereafter :

Provided that no such direction shall be issued or have effect after an agreement has been entered into by the States of Andhra and Mysore under sub-section (1) or after an order has been made by the President under that sub-section, whichever is earlier.

(5) In this section, the expression "Tungabhadra Project" or "the Project" means the project agreed to between the Government of Madras and the Government of Hyderabad before the appointed day and, so far as the State of Madras is concerned, intended for the supply and distribution of water from the Tungabhadra river by means of high level and low level canals to the districts of Bellary, Anantapur, Cuddapah and Kurnool, and for the generation of electric energy, both hydro-electric and thermal, and its transmission and distribution to the said districts and includes any extension or further development after that day of that project for the said purposes.

67. *Allowances and privileges of the Governor of Andhra.*—The allowances and privileges of the Governor of Andhra shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order, determine.

68. *Effect of provisions of the Act inconsistent with other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

69. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the President may by order do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

THE FIRST SCHEDULE

(See sections 8 and 10)

PART I

Andhra Members of the Council of States

Members whose term of office expires on the 2nd April, 1958.

1. Sri Puchalapalli Sundarayya.
2. Sri Pydah Venkatanarayana.
3. Sri G. Ranganayakulu alias N. G. Ranga.

Members whose term of office expires on the 2nd April, 1956.

4. Sri Kommareddi Suryanarayana.
5. Sri S. Sambhu Prasad.

Members whose term of office expires on the 2nd April, 1954.

6. Sri Kotamraju Rama Rao.
7. Sri Makkineni Basavapunnaiiah.
8. Sri Neelam Sanjiva Reddy.
9. Sri K. N. Rahimatullah.

PART II

Madras Members of the Council of States

Members whose term of office expires on the 2nd April, 1958.

1. Sri T. Bhaskar Rao.
2. Sri M. Mohamed Ismail.
3. Sri K. L. Narasimham.
4. Sri G. Rajagopalan.
5. Sri H. D. Rajah.
6. Sri V. M. Surendra Ram.

Members whose term of office expires on the 2nd April, 1956.

7. Sri B. V. Kakkilaya.
8. Sri V. K. Krishna Menon.
9. Srimati Mona Hensman.
10. Sri V. M. Obaidullah Sahib.
11. Sri T. S. Pattabiraman.
12. Sri A. Ramaswami Mudaliar.
13. Sri S. Venkataraman.

Members whose term of office expires on the 2nd April, 1954.

14. Sri Ezhukuttikkal Imbichi Bava.
 15. Sri S. Guruswami.
 16. Sri P. S. Rajagopal Naidu.
 17. Sri K. Sadananda Hegde.
 18. Sri T. V. Kamalaswamy.
-

THE SECOND SCHEDULE

(See section 12)

I. MODIFICATIONS IN THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (MADRAS) ORDER, 1951

1. In paragraph 1, for "Madras" substitute "Andhra and Madras".
2. In paragraph 2, for "the State of Madras" substitute "each of the States of Andhra and Madras".
3. In Table A,—
 - (a) above the entry relating to Pathapatnam constituency, insert the sub-heading "Part I—Andhra";
 - (b) for the entry in column 2 relating to Nandyal constituency, substitute "The Nandyal, Nandikotkur, Markapur, Cumbum, Sirvel and Koilkuntla taluks of the Kurnool District";
 - (c) for the entry in column 2 relating to Kurnool constituency, substitute "The Kurnool, Dhone, Pattikonda, Alur and Adoni taluks and Banganapalle sub-taluk of the Kurnool district";
 - (d) omit the entry relating to Bellary constituency;
 - (e) for the entry in column 2 relating to Anantapur constituency, substitute "The Gooty, Kalyandrug, Tadpatri, Rayadrug and Anantapur taluks (excluding Bukkachera firka of the Anantapur taluk) of the Anantapur district.
 - (f) for the entry in column 2 relating to Penukonda constituency, substitute "The Bukkachera firka of the Anantapur taluk, and the Dharmavaram, Penukonda, Madakasira, Hindupur and Kaori taluks of the Anantapur District"; and
 - (g) above the entry relating to Madras constituency, insert the sub-heading "Part II—Madras".
4. In Table B,—
 - (a) above the sub-heading "Srikakulam District" insert the sub-heading "PART I—ANDHRA";
 - (b) after the entry relating to Kurnool constituency, insert the following entry, namely:—

"Adoni	The Alur and Adoni taluks.	2	1	..	"
--------	----------------------------	---	---	----	---
 - (c) after the entry relating to Anantapur constituency, insert the following entry, namely:—

"Rayadrug	The Rayadrug taluk.	1	..	..."
-----------	---------------------	---	----	------
 - (d) omit the sub-heading "Bellary District" and all entries relating to Adoni, Siruguppa, Bellary, Rayadrug, Hospet, Kudligi and Harpanahalli constituencies thereunder; and
 - (e) above the sub-heading "Madras City" insert the sub-heading "PART II—MADRAS".

5. In the Appendix, omit the whole of item (14).

II. MODIFICATIONS IN THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (MYSORE) ORDER, 1951

1. In Table A, add the following entry at the end, namely:—

"Bellary	The Bellary district	1	...
----------	----------------------	---	-----
2. In Table B, add the following entries at the end, namely:—

<i>"Bellary District"</i>			
Bellary	The Bellary taluk	1	...
Siruguppa	The Siruguppa taluk	1	...
Hospet	The Hospet and Sandur taluks	1	...
Kudligi	The Kudligi taluk, the Chigateri firka of the Harpanahalli taluk, and the Ittigi firka (excluding Hampasagara, Yenigi,	1	...

	Bannical, Yenigi Basapur, G. Kodihalli, Kodlabal, Byasigideri, Hagaribommanahalli and Chinttrapalli villages) of the Hadagalli taluk.	
Harpanahalli.	The Harpanahalli, Arsikere and Teligi 1 ... firkas of the Harpanahalli taluk; and the Hirehadagalli, Hadagalli and Tambarahalli firkas and Hampasagara, Yenigi, Bannical, Yenigi Basapur, G. Kodihalli, Kodlabal, Byasigideri, Hagaribommanahalli and Chinttrapalli villages of Ittigi firka of the Hadagalli taluk."	

THE THIRD SCHEDULE

(See section 20)

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES

(MADRAS) ORDER, 1951

In the Table—

(a) for the sub-heading "Graduates' Constituencies" substitute "Graduates' Constituency";

(b) omit the entry relating to the Madras North (Graduates) Constituency;

(c) in column 1, for "Madras South (Graduates)" substitute "Madras (Graduates)";

(d) for the sub-heading "Teachers' Constituencies" substitute "Teachers' Constituency";

(e) omit the entry relating to the Madras North (Teachers) Constituency;

(f) in column 1, for "Madras South (Teachers)" substitute "Madras (Teachers)"; and

(g) omit the entries relating to the following Local Authorities' Constituencies :—

(i) Srikakulam-cum-Visakhapatnam cum-East Godavari (Local Authorities);

(ii) West Godavari-cum Krishna cum-Guntur (Local Authorities);

(iii) Nellore-cum Chittoor (Local Authorities); and

(iv) Ceded Districts (Local Authorities).

THE FOURTH SCHEDULE

(See section 21)

LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL

(a) *Elected by Local Authorities' constituencies*

1. Sri Rangaswami Naidu	... 20th April, 1958
2. Sri K. N. Palaniswami Goundar	... 20th April, 1958
3. Sri P. B. K. Thiagaraja Reddiar	... 20th April, 1958
4. Sri A. Somasundaram	... 20th April, 1956
5. Sri C. Marudavanam Pillai	... 20th April, 1956
6. Sri Abdul Salam	... 20th April, 1956
7. Sri S. O. Sp. Odyappa	... 20th April, 1956
8. Sri P. Sivasubramania Nadar.	... 20th April, 1956
9. Sri T. S. Sankaranarayana Pillai	... 20th April, 1956
10. Sri C. Perumalswamy Reddy	... 20th April, 1954
11. Sri Nathamani Naidu	... 20th April, 1954
12. Sri Purushothaman	... 20th April, 1954

13. Sri S. Narasappayya ... 20th April, 1954
14. Sri Thurutheelakath Thottinakara Puthia Purayil
Kunnhipocker ... 20th April, 1954
- (b) *Elected by the Madras (Graduates) constituency*
15. Sri A. Lakshmanaswami Mudaliar ... 20th April, 1958
16. Sri P. V. Cherian ... 20th April, 1958
17. Sri K. Balasubramania Iyer ... 20th April, 1956
18. Sri K. Bhashyam ... 20th April, 1956
- (c) *Elected by the Madras (Teachers) constituency*
19. Sri V. R. Ranganathan ... 20th April, 1956
20. Sri Alexander Guanamuthu ... 20th April, 1956
21. Sri G. Krishnamurthi ... 20th April, 1954
22. Sri E. H. Parameswaran ... 20th April, 1954
- (d) *Elected by the Madras Legislative Assembly*
23. Sri T. M. Narayanaswami Pillai ... 20th April, 1958
24. Sri B. V. Subramanyam ... 20th April, 1958
25. Sri M. Bhaktavatsalam ... 20th April, 1958
26. Sri V. Chakkarai Chetty ... 20th April, 1958
27. Sri V. G. Rao ... 20th April, 1958
28. Sri S. B. Adityan ... 20th April, 1956
29. Sri M. P. Govinda Menon ... 20th April, 1956
30. Sri S. Srinivasa Rao ... 20th April, 1956
31. Sri Arcot Gajapati Nayagar ... 20th April, 1956
32. Sri N. Nallasenapathi Sarkarai Manradiar ... 20th April, 1956
33. Sri Mohammad Raza Khan ... 20th April, 1956
34. Sri A. M. Alla Pichai ... 20th April, 1956
35. Sri M. Ethirajulu ... 20th April, 1956
36. Sri N. Annamalai Pillai ... 20th April, 1954
37. Srimati Manjubhasini ... 20th April, 1954
38. Sri V. K. John ... 20th April, 1954
39. Sri T. G. Krishnamoorthi ... 20th April, 1954
40. Sri M. P. Sivagnana Gramani ... 20th April, 1954
- (e) *Nominated by the Governor*
41. Sri V. Bhashyam Ayyangar ... 20th April, 1958
42. Sri O. P. Ramaswamy Reddiar ... 20th April, 1958
43. Srimati R. S. Subbulakshmi Ammal ... 20th April, 1958
44. Sri Chakravarthi Rajagopalachari ... 20th April, 1956
45. Sri T. M. Daivasikhamani Achariar ... 20th April, 1956
46. Sri G. Venkatachalam ... 20th April, 1956
47. Sri M. Satyanarayana ... 20th April, 1956
48. Sri Muhammad Usman ... 20th April, 1954
49. Dr. S. Muthulakshmi Reddi ... 20th April, 1954
50. Sri P. M. Marthandam Pillai ... 20th April, 1954
51. Mrs. M. N. Clubwala ... 20th April, 1954

PROVISIONS FOR DETERMINING THE TERMS OF OFFICE OF MEMBERS

1. Except as provided in the succeeding paragraphs, the term of office of every member shall expire on the date specified against his name in the above list.

2. The term of office of—

- (a) one of the six members specified against serial numbers 4 to 9,
 (b) one of the two members specified against serial numbers 19 and
 20, and
 (c) two of the eight members specified against serial numbers 28 to
 35,

shall be increased so as to expire on the 20th April, 1953.

3. The term of office of one of the four members specified against serial Nos. 44 to 47 shall be reduced so as to expire on the 20th April, 1954.

4. The members whose terms of office are to be increased under paragraph 2 and the member whose term of office is to be reduced under paragraph 3 shall be determined as soon as may be after the appointed day by lot drawn in such manner as the Chairman of the Legislative Council of Madras may direct.

THE FIFTH SCHEDULE

(See section 22)

MODIFICATION IN THE DELIMITATION OF COUNCIL CONSTITUENCIES

(MYSORE) ORDER, 1951.

In the Table, for the entry relating to the Chitaldrug (Local Authorities) constituency, substitute the following :—

"Chitaldrug-cum Bellary Chitaldrug District (including Davangere 2." (Local Authorities). City, and Bellary District.

THE SIXTH SCHEDULE

(See section 24)

1.—MODIFICATIONS IN THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

1. For paragraph 4, substitute the following :—

"4. Any reference in the Schedule to this Order—

(a) to the State of Madras, Andhra or Mysore or to a district or other territorial division of any of these States shall be construed as a reference to that State or to that district or other territorial division as constituted on the 1st day of October, 1953 ; and

(b) to any other State or to a district or other territorial division thereof shall be construed as a reference to that State or to that district or other territorial division as constituted on the 20th day of January, 1950."

2. In the Schedule—

(a) for the sub-heading "Part V—Madras" and for the words "Throughout the State" thereunder, substitute "Part V—Madras and Andhra" and "Throughout each of the States" respectively ;

(b) for the entry under the sub-heading "Part XII—Mysore" substitute the following :—

"1. Throughout the State except in Bellary district :—

1. Adiravida

4. Bhovi

2. Adikarnataka

5. Koracha

3. Banjara or Lambani

6. Korama

2. In Bellary district :—

1. Adi Andhra

13. Chachati

2. Adi Dravida

14. Chakkiliyan

3. Adikarnataka

15. Chalavadi

4. Ajila

16. Chamar

5. Arunthathiyar

17. Chandala

6. Baira

18. Cheruman

7. Bakuda

19. Dandasi

8. Bandi

20. Devendrakulathan

9. Bariki

21. Dom or Dombara, Paidi, Pano

10. Bavuri

22. Ghasi or Haddi, Relli Saghendi

11. Bellara

23. Godagali

12. Byagari

24. Godari

25. Godda	52. Mundala
26. Gosangi	53. Nalakeyava
27. Hasla	54. Nayadi
28. Holey	55. Pagadai
29. Jaggali	56. Painda
30. Jambuvulu	57. Paky
31. Kadan	58. Pallan
32. Kalladi	59. Pambada
33. Kanakkan	60. Pamidi
34. Karimpalan	61. Panan
35. Kodalo	62. Panchama
36. Koosa	63. Panniandi
37. Koraga	64. Paraiyan
38. Kudubi	65. Paravan
39. Kudumban	66. Pulayan
40. Kuravan	67. Puthirai Vannan
41. Kurichohan	68. Raneyar
42. Madari	69. Samagara
43. Madiga	70. Samban
44. Maila	71. Sapari
45. Mala (including Agency Malas)	72. Semman
46. Mala Dasu	73. Thoti
47. Malasar	74. Tiruvalluvar
48. Matangi	75. Valluvan
49. Mavilan	76. Valmiki
50. Moger	77. Vettuvan".
51. Muchi	

II. MODIFICATIONS IN THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950.

1. For paragraph 3, substitute the following :—

"3. Any reference in the Schedule to this Order—

(a) to the State of Madras, Andhra or Mysore or to a district or other territorial division of any of these States shall be construed as a reference to that State or to that district or other territorial division as constituted on the 1st day of October, 1953 ; and

(b) to any other State or to a district or other territorial division thereof shall be construed as a reference to that State or to that district or other territorial division as constituted on the 26th day of January, 1950."

2. In the Schedule—

(a) for the sub-heading "Part V—Madras" and for the words "Throughout the State" thereunder, substitute "Part V—Madras and Andhra" and "Throughout each of the States" respectively ;

(b) for the entry under the sub-heading "Part XI—Mysore" substitute the following :—

"1. Throughout the State except in Bellary district :—

1. Hasalaru
2. Iruliga
3. Jenu Kuruba
4. Kadu Kuruba
5. Maleru
6. Soligaru

2. In Bellary district :—

1. Aranadan
2. Bagala

3. Bhottadas—Bodo Bhottada, Muria Bhottada and Sano Bhottada
4. Bhumias—Bhuri Bhumia and Bodo Bhumia
5. Chenchu
6. Gadabas—Boda Gadaba, Cerllam Gadaba, Franji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba and Pranga Gadaba
7. Gondi—Modya Gond and Rajo Gond
8. Goudus—Bato, Bhirithya Dudhokouria, Hate, Jatuko and Joria
9. Kosalya Goudus—Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Dodd Kamariya, Dudu Kamaro, Ladiya Goudus and Pullosoriya Goudus
10. Magatha Goudus—Bernia Goudu, Boodo Magatha, Dongayath Goudu, Ladya Goudu, Ponna Magatha and Sana Magatha
11. Holva
12. Jadapus
13. Jatapus
14. Kammara
15. Kattunavakan
16. Khutis-Khatti, Kommarao and Lohara
17. Kodu
18. Kommar
19. Konda Dhoras
20. Konda Kapus
21. Kondareddis
22. Kondhs—Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs and Yenity Kondhs
23. Kota
24. Kotia—Bartika Benthoriya, Dhulia or Dulia, Holva Paiko, Putiya, Sanrona and Sidho Paiko
25. Koya or Goud, with its sub-sects—Raja or Rasha Koyas, Lingadhari Koyas (ordinary) and Kottu Koyas
26. Kudiya
27. Kurumans
28. Manna Dhora
29. Maune
30. Mukha Dhora—Nooka Dhora
31. Muria
32. Paigarapu
33. Palasi
34. Paniyan
35. Porjas—Bodo Bonda, Daruva, Didua, Jodia, Mundili, Pengu Pydi and Saliya
36. Reddi Dhoras
37. Savaras—Kapu Savaras, Khutto Savaras and Maliya Savaras
38. Sholaga
39. Toda
40. Inhabitants of the Laccadive, Minicoy and Amindivi Islands who, and both of whose parents, were born in these Islands."

THE SEVENTH SCHEDULE

[See sections 47(1), 48(3), 51, 52 and 66(1)]

PROVISIONS AS TO APPORTIONMENT OF ASSETS AND LIABILITIES BETWEEN MADRAS, ANDHRA AND MYSORE

1. (1) Subject to the other provisions of this Schedule, all land and all stores, articles and other goods shall remain the property of, or, as the case may be, pass to, the State in which they are situated.

(2) In this paragraph, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

2. (1) A sum equivalent to the proceeds of any public loan raised by the Government of Madras between the 1st day of July, 1953 and the appointed day, or such portion thereof as the President may determine, shall be allocated between the States of Madras and Andhra in such proportion as may be fixed by the President having regard to the terms on which the loan was raised.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, the total of the cash balances in all treasuries of the State of Madras and the credit balances with the Reserve Bank of India immediately before the appointed day shall be divided between the States of Madras, Andhra and Mysore in the proportion of $62\frac{2}{3} : 36 : 1\frac{1}{3}$:

Provided that for the purposes of such division there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the three States in the books of the Reserve Bank of India on the appointed day.

Explanation.—In this paragraph, "treasury" includes a sub-treasury.

3. Any unissued stores of any class shall be divided between the States of Madras, Andhra and Mysore in proportion to the total indents for stores of that class made in the three years immediately preceding the 1st day of April, 1953, for the areas respectively comprised in the States of Madras and Andhra and the transferred territory excluding the indents relating to the Secretariat and offices of Heads of Departments located in the city of Madras :

Provided that nothing in this paragraph shall apply to stores held for specific purposes, such as, for the use or utilisation in particular institutions, workshops and electrical undertakings or on specific works under construction.

4. The State of Andhra shall be entitled to 36/100th share of the printing machinery in the Government Press at Madras. This share shall, as far as practicable, be given to that State in the form of machinery which can be removed and utilised by it, and to the extent to which this is not practicable, an adjustment shall be made in cash on the basis of the book value of the machinery less depreciation where such depreciation is adjusted in the accounts of the Press

5. The right to recover arrears of taxes including land revenue shall belong to the State in which the taxed property is situate or the taxed transactions took place.

6. (1) The right to recover any loans or advances made before the appointed day by the State of Madras to any local body (other than the District Board of Bellary), society, agriculturist or other person in an area within the State shall belong to the State in which that area is included on the appointed day.

(2) If immediately before the appointed day any sums are due from the District Board of Bellary to the State of Madras on account of loans or advances made before that day, such part thereof as is due on account of any loan or advance utilised in or for the benefit of Alur and Adoni taluks, or, in or for the benefit of Rayadurg taluk shall be a debt due to the State of Andhra by the District Board of Kurnool or, as the case may be, of Anantapur, and the remaining part shall be a debt due to the State of Mysore by the District Board of Bellary.

(3) The right to recover any loans or advances made before the appointed day by the State of Madras to any person, firm or institution outside that State, shall belong to the State of Madras :

Provided that any sum recovered in respect of any such loan or advance shall be divided between the States of Madras, Andhra and Mysore in the proportion of $62\frac{2}{3} : 36 : 1\frac{1}{3}$. •

7. (1) The balance of the States' share of the taxes on income and of the Union duties of excise payable to the State of Madras in respect of the financial year 1953-54 shall be shared between the States of Madras, Andhra and Mysore in the proportion of $62\frac{2}{3} : 36 : 1\frac{1}{3}$. •

Explanation.— The balance referred to in this sub-paragraph shall be taken to be one-half of the amount payable to the State of Madras as constituted immediately before the appointed day out of the States' share of taxes on income or of Union duties of excise, as the case may be, in accordance with the Budget Estimates of the Central Government in respect of the financial year 1953-54.

(2) The States' share of the taxes on income or of the Union duties of excise payable to the State of Madras as constituted immediately before the appointed day in respect of each of the financial years commencing on or after the 1st day of April, 1954 shall, until other provision is made by law, be also shared between the States of Madras, Andhra and Mysore in the proportion of $62\frac{2}{3} : 36 : 1\frac{1}{3}$.

8. The sums at the credit of the Central Road Fund due to the State of Madras immediately before the appointed day shall be allocated between the States of Madras, Andhra and Mysore in the proportion of $62\frac{2}{3} : 36 : 1\frac{1}{3}$.

9. The shares held immediately before the appointed day by the State of Madras in the Travancore Fertilizers and Chemicals Limited, the Madras Radio and Electricals Limited and the Madras Industrial Investment Corporation shall be divided between the States of Madras, Andhra and Mysore in the proportion of $62\frac{2}{3} : 36 : 1\frac{1}{3}$.

10. The securities held in respect of investments made from any depreciation reserve fund shall accrue to the State in whose area the undertaking for which the depreciation reserve fund is maintained is situate.

11. Subject to the provisions of paragraph 12, the assets and liabilities relating to commercial or industrial undertakings shall, in the case where the undertakings are situate in the transferred territory, pass to the State of Mysore and, in other cases, pass to the State in which the undertakings are situate.

12. (1) The public debt of the State of Madras attributable to loans raised by the issue of Government securities which are outstanding with the public immediately before the appointed day shall as from such day be the debt of the State of Madras : and the States of Andhra and Mysore shall be liable to pay to the State of Madras their shares of the sums due from time to time for the servicing and repayment of the debt. For the purpose of determining the said shares, the debt shall be deemed to be apportioned between the States of Madras, Andhra and Mysore as if it were a debt referred to in sub-paragraph (2) of this paragraph, and the shares of the States of Andhra and Mysore shall be determined accordingly :

Provided that the liability for any public loan or portion thereof referred to in sub-paragraph (1) of paragraph 2 shall, for the purposes of this sub-paragraph, be deemed to be apportioned between the States of

Andhra and Madras in the same proportion as may be fixed under sub-paragraph (1) of paragraph 2 in regard to the allocation of the proceeds of such loan or portion thereof.

Explanation.—In this sub-paragraph, the expression “Government securities” has the same meaning as in clause (a) of section 2 of the Indian Securities Act, 1920 (X of 1920).

(2) The remaining public debt of the State of Madras, that is to say, the debt attributable to loans taken from the Central Government, the Reserve Bank of India or any other Bank before the appointed day, shall be apportioned between the States of Madras, Andhra and Mysore in proportion to the total expenditure on all capital works and other capital outlays incurred in the territories of the States of Madras and Andhra and the transferred territory up to the commencement of the appointed day including the items dealt with in paragraph 9 of this Schedule :

Provided that any loan taken from the Central Government before the appointed day in connection with the construction of buildings, roads or other works for the temporary capital of the State of Andhra or for purposes incidental thereto shall to the extent of the expenditure so incurred until that day be wholly the liability of the State of Andhra.

(3) For the purposes of the allocation under sub-paragraph (2) of this paragraph, only expenditure on assets for which capital accounts have been kept (excluding the Buckingham Canal and any buildings for which such accounts have been kept) shall be taken into account :

Provided that the amount of public debt on account of the expenditure on the Tungabhadra Project referred to in section 66 shall be reallocated on such basis as may be agreed upon between the States concerned, or, if no agreement is entered into within two years from the appointed day, as may be fixed by order of the President.

(4) All sinking funds for loans raised before the appointed day by the Government of Madras shall remain with the State of Madras and the net amount of such funds shall be taken into consideration in allocating the dues on account of such loans between the States of Madras, Andhra and Mysore.

(5) In order to compensate the State of Andhra finally for its relatively smaller share of buildings, its share in the liability on account of debt to be apportioned between the States of Andhra and Madras under sub-paragraph (2) of this paragraph shall be reduced by 230.4 lakhs of rupees and the share of the State of Madras in such liability shall be correspondingly increased.

13. Civil deposits and local fund deposits shall pass to the State in whose area the deposits have been made, and the liability to pay them shall also fall on that State.

14. The securities held in the Zamindari Abolition Fund shall be allocated between the States of Madras, Andhra and Mysore in proportion to the estimated amount of compensation payable in the territories comprised within the State of Madras as constituted on the appointed day, in the territories forming the State of Andhra and the transferred territory.

15. The liability in respect of the undisbursed amounts in the Madras Road Fund as they stand immediately before the appointed day shall be taken over by the State in which the local bodies to whom they are payable exist.

16. Each State shall take over the liabilities in respect of the Provident Fund accounts of the Government servants permanently allotted to it.

17. (1) Subject to the adjustment mentioned in sub-paragraph (3) of this paragraph, each State shall, in respect of pensions granted by the State of Madras before the appointed day, pay the pensions drawn in its treasuries and sub-treasuries.

(2) Subject to the said adjustment, the liability in respect of pensions of officers serving in connection with the affairs of the State of Madras who retire or proceed on leave preparatory to retirement before the appointed day but whose claims for pensions are outstanding immediately before that day shall be the liability of the State of Madras.

(3) There shall be computed in respect of the part of the financial year 1953-54 commencing on the appointed day, and in respect of each subsequent financial year, the total payments made in each State in respect of pensions referred to in sub-paragraphs (1) and (2) of this paragraph : and each of the States of Andhra and Mysore shall receive from, or pay to, the State of Madras the amount by which the total payments in the State of Andhra or the State of Mysore, as the case may be, for that part of the year or for that year exceeds or, as the case may be, fall short of : 6 per cent in the case of the State of Andhra and $1\frac{1}{3}$ per cent in the case of the State of Mysore, of the total payments made in the States of Andhra, Mysore and Madras for that part of the year or for that year.

(4) The liability in respect of pensions of officers retiring on or after the appointed day shall be that of the State granting the pension. The portion of the pension attributable to the service of any such officer before the appointed day shall be allocated between the States of Madras, Andhra and Mysore in the proportion of $62\frac{2}{3} : 36 : 1\frac{1}{3}$, and the State which has granted the pension shall be entitled to receive from the other two States their shares of this liability. In respect of any officer whose services after the appointed day were partly in one of the States of Madras, Andhra and Mysore as granted the pension and partly in one or both of the other two States, such other State or each of such other States, as the case may be, shall reimburse the State by which the pension is granted an amount which bears to the portion of the pension of such officer attributable to his service after the appointed day the same ratio as the period of qualifying service of that officer after the appointed day under that State bears to the total qualifying service of such officer after the appointed day reckoned for the purposes of pension.

Explanation — Any reference in this paragraph to pensions shall be construed as including a reference to the commuted value of such pensions.

18. If and in so far as any item in suspense is ultimately found to affect an asset or liability of the nature referred to in the foregoing paragraphs, it shall be dealt with in accordance with the provisions of the relevant paragraph.

19. The benefit or burden of any assets or liabilities not dealt with in the foregoing paragraphs or in section 48 or section 49 or section 50 or section 66 shall be apportioned between the State of Madras and the States of Andhra and Mysore in such manner as the President may by order direct :

Provided that nothing in this paragraph shall be taken as prohibiting the apportionment of such benefit or burden in any other manner if the States concerned so agree.

— — —

THE EIGHTH SCHEDULE

[See section 59]

Part I

Jails and other institutions in the State of Madras :—

- (1) The Presidency Jail for Women, Vellore.
- (2) The Senior Certified School, Chingleput.

Part II

Jails and other institutions in the transferred territory :—

- (1) The Junior Certified School, Ballary.
- (2) The Central Jail, Bellary.
- (3) The Alipuram Jail, Bellary.
- (4) The Borstal School, Bellary.

THE NINTH SCHEDULE

[See section 60]

Part I

Institutions in the State of Madras :—

- (1) The King Institute, Guindy.
- (2) The Irrigation Research Station, Poondy.
- (3) The Police Training College, Vellore.
- (4) The Finger Print Bureau, Vellore.
- (5) The Government Press, Madras.
- (6) The Government Textile Institute, Madras.
- (7) The Government College of Indigenous Medicine, Madras.
- (8) The Madras Fire Services State Training School, Madras.
- (9) The Veterinary College, Madras.
- (10) The Serum Institute, Ranipet.
- (11) The Barnard Institute of Radiology, Madras.
- (12) The Chemical Examiner's Department, Madras.
- (13) The Central Survey Office, Madras.
- (14) The Government Lady Willingdon Leprosy Sanatorium

Tirumani.

Part II

Institutions in the transferred territory :—

- (1) Rayalaseema Polytechnic, Bellary.
- (2) The Government Wellesley Tuberculosis Sanatorium, Bellary.

The Central Silk Board (Amendment) Act, 1953.

The following Act of Parliament received the assent of the President on the 18th September, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 18th September 1953.

Act No. 31 of 1953.

[18th September, 1953.]

An Act further to amend the Central Silk Board Act, 1948.

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Central Silk Board (Amendment) Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Notes.

Object.—“The Central Silk Board constituted under the Central Silk Board Act, 1948, requires to be re-constituted. The Minister for Commerce and Industry is at present the Chairman of the Board and this is an anomalous position for him. Further, some changes are also essential

in regard to the representation of various interests including labour on the Board with a view to increasing its efficiency. It is also necessary to increase the powers of control vested in the Board by authorising rules to be made in that behalf by the Central Government. The amendments are designed to carry these into effect.

2. Opportunity has also been taken—

(a) to extend the scope of the Act to cover the silk industry generally instead of raw silk as at present ;

(b) to substitute a new section for section 2 of the principal Act in order to bring its language in conformity with the language of Entry 52 of List I in the Seventh Schedule to the Constitution ; and

(c) to indemnify all authorities in respect of action taken between the commencement of the Constitution and the commencement of this Act, as a doubt may be raised as to whether, in the absence of a declaration made by Parliament by law, the declaration contained in section 2 was effective during that period. [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part II-Section 2, dated the 27th December 1952, page 639.]

2. *Amendment of long title and preamble, Act LXI of 1948.*—In the long title of, and the preamble to, the Central Silk Board Act, 1948 (hereinafter referred to as the principal Act), the word “raw” shall be omitted.

3. *Substitution of new section for section 2 in Act LXI of 1948.*—For section 2 of the principal Act, the following section shall be substituted, namely :—

“2. *Declaration as to expediency of Union control.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the silk industry.”

4. *Amendment of section 4, Act LXI of 1948.*—In section 4 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

(3) The Board shall consist of the following members, namely :—

(a) a Chairman to be appointed by the Central Government ;

(b) not more than three officials to be nominated by the Central Government :

Provided that it shall be lawful for any such official to depute in the prescribed circumstances another official to attend any meeting of the Board on his behalf ;

(c) six persons to be elected by Parliament, four from the House of the People by the members of the House of the People and two from the Council of States by the members of the Council of States ;

(d) four persons to be nominated by the Government of Mysore, one of whom shall represent the filature raw silk industry and two shall represent the rest of the sericulture industry ;

(e) two persons to be nominated by the Government of Madras ;

(f) two persons to be nominated by the Government of West Bengal ;

(g) one person to be nominated by each of the Governments of Assam, Bihar, Bombay, Madhya Bharat, Madhya Pradesh and Uter Pradesh ;

(h) one person to be nominated by the Government of Jammu and Kashmir ;

(i) not more than three persons to be nominated by the Central Government to represent the producers of raw silk and areas other than the States specified in clauses (d) to (g) inclusive ;

(j) eight persons to be nominated by the Central Government, of whom one shall represent the spun silk industry, one the silk throwing and twisting industry, one the silk weaving industry, one labour; and two of them shall be experts in sericulture.

5 *Amendment of section 7, Act LXI of 1948.*—In section 7 of the principal Act, the words “in consultation with the Board” shall be omitted.

6 *Amendment of section 8, Act LXI of 1948.*—In section 8 of the principal Act,—

(i) in sub-section (1), the word “raw” shall be omitted;

(ii) in sub-section (2), after clause (e), the following clause shall be inserted, namely :—

“(f) carrying out any other duties which may be vested in the Board under rules made under this Act;”;

(iii) in sub-section (3), in clause (c), the word “raw” shall be omitted.

7 *Amendment of section 10, Act LXI of 1948*—In section 10 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely :—

“(7) The proceeds of the duties of excise paid to the Board shall first be credited to the Consolidated Fund of India and the Central Government may, thereafter, from time to time, pay to the Board from and out of such proceeds such sums of money as it may think fit.”

8 *Amendment of section 13, Act LXI of 1948.*—For sub-section (2) of section 13 of the principal Act, the following sub-sections shall be substituted, namely :—

“(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely :—

(i) the term of office of members of the Board, the circumstances in which and the authority by which members may be removed and the filling of casual vacancies in the Board;

(ii) the procedure to be followed at meetings of the Board and at the standing committee for the conduct of business and the number of members which shall form a quorum at any meeting;

(iii) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;

(iv) the holding of a minimum number of meetings every year;

(v) the power of the Board, its Chairman and standing committee with respect to the incurring of expenditure;

(vi) the conditions subject to which the Board may incur expenditure outside India;

(vii) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(viii) the maintenance of the accounts of income and expenditure of the Board and the audit of such accounts;

(ix) the deposit of the funds of the Board in bank and the investment of such funds;

(x) the re-appropriation of estimated savings from one budget head to any other budget head;

(xi) the conditions subject to which the Board may borrow funds;

(xii) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;

(xiii) the delegation to the standing committee or the Chairman or the Vice-Chairman or members or officers of the Board of any of the powers and duties of the Board under this Act ;

(xiv) the staff which may be employed by the Board and the pay and allowances, leave and other conditions of service of officers and other employees of the Board ;

(xv) the travelling and other allowances of members of the Board and of the standing committee ;

(xvi) the purposes for which funds of the Board may be expended ;

(xvii) the maintenance of the registers and other records of the Board and of its standing committee ;

(xviii) the collection of any information or statistics in respect of raw silk or any product of silk ;

(xix) the manner in which raw silk shall be graded and marketed ;

(xx) any other matter which is to be or may be prescribed.

(3) All rules made under this section shall be laid, as soon as may be, before Parliament."

9. *Amendment of section 14, Act LXI of 1948.*—Section 14 of the principal Act shall be numbered as sub-section (1) and after that sub-section as so numbered, the following sub-sections shall be inserted, namely :—

(2) If the person committing any offence specified in sub-section (1) is a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under sub-section (1) has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director" in relation to a firm means a partner in the firm.'

10. *Insertion of new section 15A in Act LXI of 1948.*—After section 15 of the principal Act, the following section shall be inserted, namely :—

"15A. *Jurisdiction of courts.*—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under section 14."

11. *Omission of section 17, Act LXI of 1948.*—Section 17 of the principal Act shall be omitted.

12. *Validation of certain acts and indemnity in respect thereof.*—All acts of executive authority, proceedings and sentences which have been done, taken or passed, with respect to, or on account of, raw silk during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act, by the Government or by

any officer of the Government or by any other authority in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the principal Act shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceedings shall be maintained or continued against any authority whatsoever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

The Collection of Statistics Act, 1953.

The following Act of Parliament received the assent of the President on the 18th September 1953 and was published in the *Gazette of India*, Part II-Section 1, Extraordinary, dated the 18th September 1953.

Act No. 32 of 1953

[18th September, 1953]

An Act to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce.

Enacted by Parliament as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Collection of Statistics Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Notes

Object—“It has been felt that at present Government have very limited legal powers to collect statistics for the various subjects which are the concern of the Centre, particularly in the industrial and commercial field. It is also considered that the existing arrangements for getting trade statistics through the Customs authorities and statistical data in respect of specific commodities under the relevant Acts, are also not very comprehensive. Accordingly, Government have largely to depend on the voluntary co-operation of the interests concerned in regard to the collection of statistical data from industrial concerns and business houses.

2. Recently, in order to assess the extent to which foreign owned and controlled firms engaged Indians and foreign nationals, a notification calling upon all undertakings to furnish the statistics was issued in all important English daily newspapers all over India. The response to the notification has not however been very satisfactory. Though Government can exert pressure to make certain firms submit returns, it is expedient that Government should be armed with powers to compel all concerns (including Managing Agency firms) engaged in (a) trade and commerce with foreign countries, (b) inter-State trade and commerce, (c) trading firms or Corporations, incorporated, registered or otherwise permitted in India, including banking, insurance and other financial Corporations, and (d) stock exchanges, to furnish such information.

3. The Act while replacing the Industrial Statistics Act, 1942 (XIX of 1942), is designed to incorporate all its existing provisions and to provide in addition for the collection of information and statistics in respect of matters related to items 41, 42, 43 and 48 in List I in the Seventh Schedule to the Constitution.” [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part 2-Section 2, dated the 27th December 1952, p. 629.]

2. **Definitions**—In this Act, unless the context otherwise requires, (a) “appropriate Government” means—

(i) the Central Government, in relation to the collection of statistics under a direction issued by it under section 3, and

(ii) the State Government, in relation to the collection of statistics under a direction issued by it under that section ;

(b) "commercial concern" means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in trade or commerce, and includes—

(i) a concern engaged in banking or insurance ;

(ii) a financial corporation ;

(iii) a concern engaged in shipping and navigation ;

(iv) a concern engaged in the business of brokers dealing in shares, stocks and securities and commodities ;

(v) a concern engaged in the business of advertising consultants ;

(vi) a light railway ;

(vii) a concern engaged in road transport service ;

(viii) a concern engaged in air transport service ;

(ix) a rubber, tea, coffee or cinchona plantation ;

(x) a concern engaged in the business of forwarding and clearing agents ;

(xi) any other concern which, in the opinion of the Central Government, is a commercial concern and is declared to be such by that Government by notification in the Official Gazette, but does not include an industrial concern ;

(c) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (LXIII of 1948) ;

(d) "industrial concern" means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in the manufacture, assembling, packing, preservation or processing of goods or in mining or in the generation or distribution of electricity or any other form of power ;

(e) "owner" in relation to a commercial or an industrial concern means the person who, or the authority which, has the ultimate control over the affairs of the concern, and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the concern ;

(f) "prescribed" means prescribed by rules made under this Act or in any form laid down by such rules.

3. *Collection of statistics.*—The appropriate Government may, by notification in the Official Gazette, direct that statistics shall be collected relating to any of the following matters, namely :—

(a) any matter relating to any industry or class of industries ;

(b) any matter relating to any commercial or industrial concern or class of commercial or industrial concerns, and in particular, any matter relating to factories ;

(c) any of the following matters so far as they relate to welfare of labour and conditions of labour, namely :—

(i) price of commodities ;

(ii) attendance ;

(iii) living conditions including housing, water supply and sanitation ;

(iv) indebtedness ;

(v) rents of dwelling houses ;

(vi) wages and other earnings ;

(vii) provident and other funds provided for labour ;

- (viii) benefits and amenities provided for labour ;
- (ix) hours of work ;
- (x) employment and unemployment ;
- (xi) industrial and labour disputes ;
- (xii) labour turnover ;
- (xiii) trade unions ;

and thereupon the provisions of this Act shall apply in relation to those statistics :

Provided that—

(a) nothing contained in this section shall be deemed to authorise a State Government to issue any direction under this Act with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I in the Seventh Schedule to the Constitution ; or

(b) where the Central Government has issued any direction under this section for the collection of statistics relating to any matter, no State Government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of statistics by the Central Government remains to be completed ; or

(c) where a State Government has issued a direction under this section for the collection of statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of statistics by the State Government remains to be completed, except in cases where statistics have to be collected with reference to two or more States.

4. *Appointment of statistics authority.*—The appropriate Government may appoint an officer to be the statistics authority for the purpose of collecting any statistics directed by it to be collected.

5. *Power of statistics authority to call for information or returns.*—(1) The statistics authority may serve or cause to be served on the owner of an industrial or commercial concern or on any other person a notice requiring him to furnish such information or returns as may be prescribed relating to any matter in respect of which statistics are to be collected.

(2) The form in which, and the person to whom, or the authorities to which, such information or returns should be furnished, the particulars which they should contain and the intervals within which such information or returns should be furnished shall be such as may be prescribed.

(3) The notice referred to in sub-section (1) may be served by post.

6. *Right of access to records or documents.*—The statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

7. *Restriction on the publication of information and returns.*—(1) No information, no individual return and no part of an individual return with respect to any particular industrial or commercial concern, given for the purposes of this Act shall, without the previous consent in writing of the owner for the time being of the industrial or commercial concern in relation to which the information or return was given or made or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular concern.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (Act XLV of 1860), no person who is not engaged in the collection of statistics under this Act shall be permitted to see any information or individual return referred to in sub-section (1).

8. *Penalties.*—If any person—

(a) required to furnish any information or return—

(i) wilfully refuses or without lawful excuse neglects to furnish such information or return as may be required under this Act; or

(ii) wilfully furnishes or causes to be furnished any information or return which he knows to be false; or

(iii) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act; or

(b) impedes the right of access to relevant records or documents or the right of entry conferred by section 6;

he shall for each such offence be punishable with fine which may extend to five hundred rupees and in the case of a continuing offence to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues.

9. *Offences by companies.*—(1) If the person guilty of an offence under section 8 is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

10. *Penalty for improper disclosure of information or returns.*—If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code (Act XLV of 1860), he shall be punishable for such offence with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

11. *Cognizance of offences*—No prosecution for an offence under section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution for an offence under section 10 shall be instituted except by or with the consent of the appropriate Government.

12. *Power of Central Government to give directions.*—The Central

Government may give directions to a State Government as to the carrying into execution of this Act in the State.

13. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the appropriate Government, the statistics authority, or any other person acting under the authority of the appropriate Government or of the statistics authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or directions issued thereunder.

14. Power to make rules.—(1) The appropriate Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section for all or any of the following matters, namely :—

(a) the form and manner in which the information and returns may be furnished, the particulars which they should contain, the intervals within which and the authority to which such information and returns may be furnished ;

(b) the manner in which the right of access to documents and the right of entry conferred by section 6 may be exercised ; and

(c) any other matter which is to be or may be prescribed under this Act.

(3) All rules made under this section shall be laid, as soon as may be, before Parliament or, as the case may be, before the appropriate State Legislature.

15. Repeal.—The Industrial Statistics Act, 1942 (XIX of 1942), and the Hyderabad Collection of Statistics Act (No. 17 of 1357 Fasli) are hereby repealed.

The Appropriation (No 4) Act, 1953.

The following Act of Parliament received the assent of the President on the 29th September, 1953 and was published in the *Gazette of India*, Part II-Section 1, Extraordinary, dated the 29th September 1953.

Act No. 33 of 1953.

[29th September, 1953]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54.

Enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (No. 4) Act, 1953.

2. Issue of Rs. 10,35,90,000 out of Consolidated Fund of India for the year 1953-54—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ten crores, thirty-five lakhs and ninety thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1953-54, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and Purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
12	Defence Services, Effective—Army	60,00,000	...	60,00,000
28	Miscellaneous Department and Expenditure under the Ministry of Finance.	...	3,000	3,000
45	Agriculture	1,36,000	...	1,36,000
47	Miscellaneous Expenditure under the Ministry of Food and Agri- culture	2,10,00,000	...	2,10,00,000
59	Ministry of Information and Broadcasting.	38,30,000	...	38,30,000
90	Kutch	1,00,000	...	1,00,000
	Charged—Staff, Household and allowances of the President	..	20,000	20,000
125	Other Capital Outlay of the Mini- stry of Food and Agriculture.	7,25,00,000	...	7,25,00,000
133	Capital Outlay of the Ministry of Production	1,000	...	1,000
	Total	10,35,67,000	20,000	10,35,90,000

The Estate Duty Act, 1953.

The following Act of Parliament received the assent of the President on the 6th October, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 6th October 1953.

Act No 34 of 1953

[6th October, 1953]

An Act to provide for the levy and collection of an estate duty.

Be it enacted by Parliament as follows :—

PART I.—PRELIMINARY

1 *Short title, extent and commencement.*—(1) This Act may be called the Estate Duty Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Notes

Date of commencement.—The Act came into force on the 15th day of October 1953, by Notification No. S. R. O. 1882, of the Ministry of Finance (Revenue Division), dated the 8th October 1953, published in the *Gazette of India*, Part II-Section 3, dated the 10th October 1953, reproduced below :—

“S. R. O. No. 1882—In exercise of the powers conferred by sub-section (3) of section 1 of the Estate Duty Act, 1953 (XXXIV of 1953), the Central Government appoints the 15th day of October 1953, as the date on which the said Act shall come into force”

Object—“The object of the Bill is to impose an estate duty on property passing or deemed to pass on the death of a person. Though the levy and collection of income-tax at high rates since the War and the investigations undertaken by the Income-tax Investigation Commission in

a number of important cases of tax evasion have, no doubt, prevented to some extent the further concentration of wealth in the hands of those who are already wealthy, yet these do not amount to positive steps in the direction of reducing the existing inequalities in the distribution of wealth. It is hoped that by the imposition of an estate duty such unequal distributions may be rectified to a large extent. Such a measure would also assist the States towards financing their development schemes. In their draft outline Report, the Planning Commission have, it will be recalled, stressed the necessity of undertaking legislation to levy death duties in India as early as possible.

2. A Bill seeking to impose such a duty was first introduced in 1946 and then re introduced in the provisional Parliament in 1948. The latter Bill after being considered by the Select Committee lapsed on the dissolution of that Parliament. The present Bill is practically a reproduction of that Bill as reported on by the Select Committee, but certain changes have been made, which are as follows :—

(1) When the earlier Bill was drafted, the Centre had no jurisdiction to legislate in respect of agricultural land, but now some States have passed the necessary resolutions under Article 252 of the Constitution, and the Bill therefore applies also to agricultural lands in such States. As and when the remaining States pass the necessary resolutions, the Schedule will be amended by a Notification of the Central Government to include such States.

(2) In respect of the movable property of the deceased, the levy of duty will depend upon his domicile only. The alternative basis of residence in the Bill as amended by the Select Committee has been omitted.

(3) As in the case of income-tax law, the fixation of the rates of duty and of the maximum limits of exemption will be regulated by the annual Finance Acts.

(4) For the sake of administrative convenience, the power to assess duty is assigned to the Controller of Estate Duty, a new authority which will function under the Central Board of Revenue.

(5) Appeals from the orders of the Controller of Estate Duty will lie to the Central Board of Revenue, and, as in the Indian Income-tax Act, 1922, references to the High Court may be made on questions of law.

3. Under Article 269 of the Constitution, the net proceeds of the estate duty will be assigned to the States on such principles of distribution as Parliament may hereafter formulate. The appropriate estate duty on agricultural land situate in a State will, of course, be assigned to that State. [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part II-Section 2, dated the 16th October, 1952, page 422.]

2. *Definitions* —In this Act, unless the context otherwise requires,—

(1) "affidavit of valuation" means the affidavit of valuation made under section 19-I of the Court-fees Act, 1870 (VII of 1870), in connection with an application for the grant of representation ;

(2) "Board" means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924 (IV of 1924) ;

(3) "company" includes any body corporate wheresoever incorporated ;

(4) "controlled company" means a company as defined in section 17 ;

(5) "Controller" means a person appointed to be a Controller of Estate Duty under section 4 and includes a person appointed to be a Deputy Controller of Estate Duty or an Assistant Controller of Estate Duty ;

(6) "deceased person" and "the deceased" mean a person dying after the commencement of this Act ;

(7) "estate duty" means estate duty under this Act ;

(8) "executor" means the executor or administrator of a deceased person ;

(9) "general power" includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exercisable by instrument *inter vivos* or by will or both, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or exercisable as mortgagee ;

(10) "incumbrances" includes mortgages and terminable charges ;

(11) "interest in expectancy" includes an estate in remainder or reversion and every other future interest whether vested or contingent, but does not include reversions expectant upon the determination of leases ;

(12) "legal representative" means a person who in law represents the estate of a deceased person, and includes—

(i) an executor.

(ii) as regards any obligation under this Act, any person who takes possession of, or intermeddles with, the estate of a deceased person or any part thereof, and

(iii) where the deceased was a coparcener of a Hindu family, the manager for the time being of the family ;

(13) "power to appoint property" means powers to determine the disposition of property of which the person invested with the power is not the owner ;

(14) "prescribed" means prescribed by rules made under this Act ;

(15) "property" includes any interest in property, movable or immovable, the proceeds of sale thereof and any money or investment for the time being representing the proceeds of sale and also includes any property converted from one species into another by any method ;

Explanation 1—The creation by a person or with his consent of a debt or other right enforceable against him personally or against property which he was or might become competent to dispose of, or to charge or burden for his own benefit, shall be deemed to have been a disposition made by that person, and in relation to such a disposition the expression "property" shall include the debt or right created.

Explanation 2—The extinguishment at the expense of the deceased of a debt or other right shall be deemed to have been a disposition made by the deceased in favour of the person for whose benefit the debt or right was extinguished, and in relation to such a disposition the expression "property" shall include the benefit conferred by the extinguishment of the debt or right ;

(16) "property passing on the death" includes property passing either immediately on the death or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and "on the death" includes 'at a period ascertainable only by reference to to the death' ;

(17) "public charitable purpose" includes relief of the poor, education, medical relief and the advancement of any other object of general public utility within the territory of India ;

(18) "representation" means probate of a will or letters of administration ;

(19) "settled property" means property which stands limited to, or

in trust for, any persons, natural or juridical, by way of succession, whether the settlement took effect before or after the commencement of this Act; and "settlement" means any disposition, including a dedication or endowment, whereby property is settled;

(20) "Valuer" means Valuer appointed under section 4.

3. *Interpretation.*—(1) For the purposes of this Act,—

(a) a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were *sui juris*, enable him to dispose of the property;

(b) a disposition taking effect out of the interest of the deceased shall be deemed to have been made by him, whether the concurrence of any other person was or was not required;

(c) money which a person has a general power to charge on the property of another person shall be deemed to be an interest in that property of which the former has power to dispose;

(d) the domicile of a person shall be determined as if the provisions of the Indian Succession Act, 1925 (XXXIX of 1925), on the subject applied to him.

(2) In Parts II and III of this Act, any reference to any interest disposed of, policy of insurance effected, annuity or other interest purchased or provided or to any gift, settlement, disposition or transfer of property made, shall be construed as including any such interest, policy, annuity, gift, settlement, disposition or transfer, as the case may be, whether it was disposed of, effected, purchased or provided, or made before or after the commencement of this Act.

4. *Estate duty authorities.*—(1) There shall be the following authorities for the purposes of this Act, namely:—

(a) the Board,

(b) Controllers of Estate Duty,

(c) Valuers.

(2) The Central Government may appoint as many Controllers of Estate Duty as it thinks fit and they shall, subject to the control of the Board, perform their functions in respect of such estates or classes of estates and such areas as are assigned to them by the Board:

Provided that, subject to such rules as may be made by the Board in this behalf, every Controller, within the local limits of whose jurisdiction any part of the estate of the deceased is situated, may exercise in relation to the whole estate or any part thereof any of the powers conferred on the Controller by this Act:

Provided further that the Board may, by general or special order, direct that any Controller specified by it in this behalf may exercise all or any of the powers conferred on the Controller by this Act to the exclusion of any other Controller.

(3) The Central Government shall, within twelve months after the commencement of this Act and may thereafter, from time to time, appoint a sufficient number of qualified persons to act as Valuers for the purposes of this Act and shall fix a scale of charges for the remuneration of such persons.

(4) Subject to the rules and orders of the Central Government regulating the conditions of service of persons in public services and posts, a Controller may appoint such executive or ministerial staff as may be necessary to assist him in the execution of his functions.

(5) All officers and persons employed in the execution of this Act, other than Valuers, shall observe and follow the orders, instructions and directions of the Board.

Notes

Appointment of Controllers.—By Notification No. S. R. O. 1938, of the Ministry of Finance (Revenue Division), dated the 15th October 1953, published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 15th October 1953, reproduced below, the Central Government has appointed the undermentioned persons as Controllers, Deputy Controllers and Assistant Controllers :

“S. R. O. No. 1938.—In exercise of the powers conferred by sub-section (2) of section 4 of the Estate Duty Act, 1953, (XXXIV of 1953), the Central Government hereby appoints every Commissioner of Income-tax, every Inspecting Assistant Commissioner of Income-tax and every Income-tax Officer for the time being functioning as such to be respectively a Controller of Estate Duty, a Deputy Controller of Estate Duty and an Assistant Controller of Estate Duty.”

PART II —IMPOSITION OF ESTATE DUTY

Extent of charge

5. *Levy of estate duty*—(1) In the case of every person dying after the commencement of this Act, there shall, save as hereinafter expressly provided, be levied and paid upon the principal value ascertained as hereinafter provided of all property, settled or not settled, including agricultural land situate in the States specified in the First Schedule to this Act, which passes on the death of such person, a duty called “estate duty” at the rates fixed in accordance with section 35.

(2) The Central Government may, by notification in the Official Gazette, add the names of any other States to the First Schedule in respect whereof resolutions have been passed by the Legislatures of those States adopting this Act under clause (1) of article 252 of the Constitution in respect of estate duty on agricultural lands situate in those States, and on the issue of any such notification the States so added shall be deemed to be States specified in the First Schedule within the meaning of sub-section (1).

Property which is deemed to pass

6. *Property within disposing capacity*.—Property which the deceased was at the time of his death competent to dispose of shall be deemed to pass on his death.

7. *Interests ceasing on death*.—(1) Subject to the provisions of this section, property in which the deceased or any other person had an interest ceasing on the death of the deceased shall be deemed to pass on the deceased's death to the extent to which a benefit accrues or arises by the cesser of such interest, including, in particular, a coparcenary interest in the joint family property of a Hindu family governed by the Mitakshara, Marumakkattayam or Aliyasantana law.

(2) If a member of a Hindu coparcenary governed by the Mitakshara school of law dies, then the provisions of sub-section (1) shall apply with respect to the interest of the deceased in the coparcenary property only—

(a) if the deceased had completed his eighteenth year at the time of his death, or

(b) where he had not completed his eighteenth year at the time of his death, if his father or other male ascendant in the male line was not a coparcener of the same family at the time of his death.

Explanation.—Where the deceased was also a member of a sub-coparcenary (within the coparcenary) possessing separate property of its own, the provisions of this sub-section shall have effect separately in respect of the coparcenary and the sub-coparcenary.

(3) If a member of any *tarwad* or *tavazhi* governed by the Marumakkattayam rule of inheritance or a member of a *kutumba* or *kavaru* governed by the Aliyasantana rule of inheritance dies, then the provisions of sub-section (1) shall not apply with respect to the interest of the deceased in the property of the *tarwad*, *tavazhi*, *kutumba* or *kavaru*, as the case may be, unless the deceased had completed his eighteenth year.

(4) The provisions of sub-section (1) shall not apply to the property in which the deceased or any other person had an interest only as holder of an office or recipient of the benefits of a charity, or as a corporation sole.

Explanation.—For the removal of doubts, it is hereby declared that the holder of a *Sthanam* is neither the holder of an office nor a corporation sole within the meaning of this sub-section.

8. *Gifts mortis causa* — Property taken as a gift made in contemplation of death shall be deemed to pass on the donor's death.

Explanation.—In this section, the expression "gift made in contemplation of death" has the same meaning as in section 191 of the Indian Succession Act, 1925 (XXXIX of 1925).

9. *Gifts within a certain period before death* — (1) Property taken under a disposition made by the deceased purporting to operate as an immediate gift *inter vivos* whether by way of transfer, delivery, declaration of trust, settlement upon persons in succession, or otherwise, which shall not have been *bona fide* made two years or more before the death of the deceased shall be deemed to pass on the death :

Provided that in the case of gifts made for public charitable purposes the period shall be six months.

(2) The provisions of sub-section (1) shall not apply to gifts made in consideration of marriage or which are proved to the satisfaction of the Controller to have been part of the normal expenditure of the deceased, but not exceeding rupees five thousand in the aggregate.

10. *Gifts whenever made where donor not entirely excluded*.—Property taken under any gift, whenever made, shall be deemed to pass on the donor's death to the extent that *bona fide* possession and enjoyment of it was not immediately assumed by the donee and thenceforward retained to the entire exclusion of the donor or of any benefit to him by contract or otherwise :

Provided that the property shall not be deemed to pass by reason only that it was, not, as from the date of the gift, exclusively retained as aforesaid, if, by means of the surrender of the reserved benefit or otherwise, it is subsequently enjoyed to the entire exclusion of the donor or of any benefit to him for at least two years before the death.

11. *Limited interests disposed of within a certain period before death*.—(1) Subject to the provisions of this section, where an interest limited to cease on a death has been disposed of or has determined, whether by surrender, assurance, divesting, forfeiture or in any other manner (except by the expiration of a fixed period at the expiration of which the interest was limited to cease), whether wholly or partly, and whether for value or not, after becoming an interest in possession, and the disposition or determination (or any of them if there are more than one) is not excepted by sub-section (2), then—

(a) if, had there been no disposition or determination, as aforesaid of that interest and no disposition of any interest expectant upon or subject to that interest, the property in which the interest subsisted would have passed on the death under section 5, that property shall be

deemed by virtue of this section to be included as to the whole thereof in the property passing on the death ; or

(b) if, had there been no disposition or determination as aforesaid of that interest and no disposition of any interest expectant upon or subject to that interest, the property in which the interest subsisted would have been deemed by virtue of section 7 to be included to a particular extent in the property passing on the death, the property in which the interest subsisted shall be deemed by virtue of this section to be included to that extent in the property passing on the death.

(2) Where a disposition or determination of an interest limited to cease on the death was *bona fide* effected or suffered not less than two years before the death (or, if it was effected or suffered for public charitable purposes, not less than six months before the death), the disposition or determination shall be excepted by this sub-section—

(a) if *bona fide* possession and enjoyment of the property in which the interest subsisted was assumed immediately thereafter by the person becoming entitled by virtue of or upon the disposition or determination and thenceforward retained to the entire exclusion of the person who immediately before the disposition or determination had the interest and of any benefit to him by contract or otherwise ; or

(b) in the case of a partial determination, if the conditions specified in the preceding paragraph were not satisfied by reason only of the retention or enjoyment by the deceased of possession of some part of the property, or of some benefit, by virtue of the provisions of the instrument under which he had the interest :

Provided that where *bona fide* possession and enjoyment of the property referred to in clause (a) was not assumed immediately after the disposition or determination of the interest limited to cease on death, the disposition or determination shall be excepted by this sub-section, if, by means of the surrender of the reserved benefit or otherwise, the property is subsequently enjoyed for at least two years before the death, to the entire exclusion of the person who immediately before the disposition or determination had the interest and of any benefit to him by contract or otherwise :

Provided further that nothing in this sub-section shall be construed as affecting any charge of estate duty arising otherwise than by virtue of the provisions of the preceding sub-section.

(3) In the application of sub-section (1) to a case in which an incumbrance on the property in which the interest in question subsisted has been created by associated operations (as hereinafter defined in section 27) which included a disposition of that interest, references to that property shall be construed as references to that property free from the incumbrance, except in a case in which the incumbrance was created for consideration in money or money's worth which was applied for purposes calculated to maintain or increase the value of that property, and, in that case, shall be construed as references to that property subject to the incumbrance to the extent to which the consideration was so applied.

(4) Where an interest limited to cease on a death has been disposed of or has determined, *bona fide* possession and enjoyment of the property shall not be deemed for the purposes of sub-section (2) to be assumed immediately thereafter and thenceforward retained to the entire exclusion of a person who had the interest and of any benefit to him by contract or otherwise, if at any time thereafter he has a benefit by virtue of any operations associated with the disposition or determination, nor while he

has such a benefit shall the property be deemed to be enjoyed to the entire exclusion as aforesaid for the purposes of the first proviso to sub-section (2).

(5) In the preceding sub-section—

(a) the reference to any operations associated with the disposition shall be taken as referring to any associated operations as defined in section 27, of which the disposition is one ; and

(b) the reference to any operations associated with the determination shall be taken as referring to any associated operations as so defined of which any disposition resulting in, or effected in contemplation of or with reference to, the determination is one.

12. *Settlements with reservation.*—(1) Property passing under any settlement made by the deceased by deed or any other instrument not taking effect as a will whereby an interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the settlor or whereby the settlor may have reserved to himself the right by the exercise of any power, to restore to himself or to reclaim the absolute interest in such property shall be deemed to pass on the settlor's death :

Provided that the property shall not be deemed to pass on the settlor's death by reason only that any such interest or right was so reserved if by means of the surrender of such interest or right the property is subsequently enjoyed to the entire exclusion of the settlor and of any benefit to him by contract or otherwise, for at least two years before his death.

Explanation.—A settlor reserving an interest in the settled property for the maintenance of himself and any of his relatives (as defined in section 27) shall be deemed to reserve an interest for himself within the meaning of this section.

(2) Notwithstanding anything contained in sub-section (1), where property is settled by a person on one or more other persons for their respective lives and after their death, on the settlor for life and thereafter on other persons and the settlor dies before his interest in the property becomes an interest in possession, the property shall not be deemed to pass on the settlor's death within the meaning of this section.

13. *Joint investments.*—Where a person, having been absolutely entitled to any property or to the funds with which any property was purchased, has caused it to be transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, either by himself alone, or in concert, or by arrangement, with any other person so that the beneficial interest in some part of that property passes or accrues by survivorship on his death to the other person, the whole of that property shall be deemed to pass on the death.

14. *Policies kept up for a donee.*—(1) Money received under a policy of insurance effected by any person on his life, where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit, shall be deemed to pass on the death of the assured.

Explanation.—A policy of insurance on the life of a deceased person effected by virtue or in consequence of a settlement made by the deceased shall be treated as having been effected by the deceased.

(2) For the purposes of sub-section (1), so much of the premiums paid on any policy of insurance as was, by virtue or in consequence of a settlement made by the deceased, paid out of property, whether or not

provided by the deceased, comprised in the settlement or out of income, whether or not provided by the deceased, arising under the settlement, shall be treated as having been paid by the deceased :

Provided that any payments which were not made either out of property provided directly or indirectly by the deceased for the purposes of the settlement, or out of property representing that property, or out of income provided directly or indirectly* by the deceased whether arising from such property or otherwise, shall not be treated as having been made by the deceased if the Controller is satisfied that those payments were not made as part of any reciprocal arrangements between the deceased and any other person.

(3) For the purposes of this section,—

(a) the expression "settlement" includes any disposition, trust, covenant, agreement or arrangement ; and

(b) a person shall be deemed to have made a settlement if he has made or entered into the settlement directly or indirectly, and in particular (but without prejudice to the generality of the foregoing words of this clause) if he has provided or undertaken to provide funds directly or indirectly for the purposes of the settlement, or has made with any other person a reciprocal arrangement for that other person to make or enter into the settlement.

15. *Annuity or other interest purchased or provided by the deceased.*—

Any annuity or other interest, purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person shall be deemed to pass on his death to the extent of the beneficial interest accruing or arising, by survivorship or otherwise, on his death.

Explanation—The extent of the beneficial interest must be ascertained without regard to any interest in expectancy which the beneficiary may have had therein before the death.

16 *Annuity or other interest purchased or provided out of property derived from the deceased.*—(1) Section 15 shall have effect in relation to any annuity or other interest that was purchased or provided wholly or in part by any person who was at any time entitled to, or amongst whose resources there was at any time included, any property derived from the deceased, as if that annuity or other interest had been provided by the deceased, or, if it is proved to the satisfaction of the Controller that the application of all the property derived from the deceased would have been insufficient to provide the whole of that annuity or other interest, as if a similar annuity or interest of an amount reduced to an extent proportionate to the insufficiency proved had been provided by the deceased :

Provided that for the purpose of determining whether there would have been any such insufficiency as aforesaid, and the extent thereof, there shall be excluded from the property derived from the deceased any part thereof as to which it is proved to the satisfaction of the Controller that the disposition of which it, or the property which it represented, was the subject-matter, was not made with reference to, or with a view to enabling or facilitating, the purchase or provision of the annuity or other interest, or the recoupment in any manner of the cost thereof.

(2) In this section the following expressions have the meanings hereby assigned to them respectively, namely :—

(a) "property derived from the deceased" means any property which was the subject-matter of a disposition made by the deceased, either by himself alone or in concert or by arrangement with any other

person, otherwise than for full consideration in money or money's worth paid to him for his own use or benefit, or which represented any of the subject-matter of such a disposition, whether directly or indirectly, and whether by virtue of one or more intermediate dispositions and whether any such intermediate disposition was or was not for full or partial consideration :

Provided that where the first-mentioned disposition was for full consideration in money or money's worth paid to the deceased for his own use or benefit and it is proved to the satisfaction of the Controller that the disposition was not part of associated operations which included—

(a) a disposition by the deceased, either by himself alone or in concert or by arrangement with any other person, otherwise than for full consideration in money or money's worth paid to the deceased for his own use or benefit ; or

(b) a disposition by any other person operating to reduce the value of the property of the deceased ;
then, in considering whether estate duty should be charged the said first mentioned disposition shall be left out of account as if this provision did not apply in relation to it ;

(b) "disposition" includes any trust, covenant, agreement or arrangement ; and

(c) "subject-matter" includes, in relation to any disposition, any annual or periodical payment made or payable under or by virtue of the disposition.

(3) For the purposes of section 34 the deceased shall be deemed to have had an interest in any property included by virtue of this section in the property passing on the death of the deceased.

Special provisions relating to transfers to companies

17. *Property transferred to a controlled company.*—(1) Where the deceased has made to a controlled company a transfer of any property (other than an interest limited to cease on his death or property which he transferred in a fiduciary capacity), and any benefits accruing to the deceased from the company accrued to him in the three years ending with his death, the assets of the company shall be deemed for the purposes of estate duty to be included in the property passing on his death to an extent determined in accordance with sub-section (2).

(2) The extent to which the assets of the company are to be deemed to be included as aforesaid shall be the proportion ascertained by comparing the aggregate amount of the benefits accruing to the deceased from the company in the last three accounting years with the aggregate amount of the net income of the company for the said years :

Provided that—

(a) where, in any of the said accounting years, the company sustained a loss, the amount of that loss shall be deducted in ascertaining the said aggregate net income of the company ;

(b) where the company came into existence in the last year but one, or in the last, of the said accounting years, the references in this sub-section to the said accounting years shall be construed as references to the last two, or, as the case may be, the last, of those years.

(3) The assets of the company which are deemed to be included in the property passing on the death of the deceased by virtue of this section shall include any assets thereof which have been disposed of or distributed by the company at any time between the beginning of the first of the accounting years aforesaid and the death of the deceased either—

(a) in or towards satisfaction of rights attaching to shares in or debentures of the company, or

(b) otherwise howsoever except as follows, that is to say, by way of sale for full consideration in money or money's worth received by the company for its own use and benefit, or in or towards discharge of taxes or rates or other liability imposed by or under an enactment, or in or towards discharge of a fine or penalty or a liability for tort incurred without collusion with the injured party, including assets which have been so disposed of or distributed in a winding up, whether continuing at or completed before the death :

Provided that this sub-section shall not apply to assets disposed of or distributed by way of payments from which income-tax was deductible, or which were assessable to income-tax, of amounts not exceeding in the aggregate, as respects payments made in any accounting year or in the period between the end of the last accounting year and the death of the deceased, the amount of the income of the company for that year or period.

(4) (i) A controlled company is any company which at any relevant time, was or would, if these provisions had always been in force, have been deemed to be, under the control of not more than five persons and which is not a subsidiary company or a company in which the public are substantially interested.

Explanation — For the purposes of this sub-section,—

(a) a company shall be deemed to be a subsidiary company if, by reason of the beneficial ownership of shares therein, the control of the company is in the hands of a company not being a company to which the provisions of this sub-section apply, or of two or more companies none of which is a company to which the aforesaid provisions apply ;

(b) a company shall be deemed to be a company in which the public are substantially interested if shares of the company (not being shares entitled to a fixed rate of dividend, whether with or without a further right to participate in profits) carrying not less than twentyfive per cent. of the voting power have been allotted unconditionally to, or acquired unconditionally by, and are at the end of the year or other period for which the accounts of the company have been made up beneficially held by the public not including a company to which the provisions of this sub-section apply) and any such shares have, in the course of such year or other period, been the subject of dealings on a recognised stock exchange or are in fact freely transferable by the holders to other members of the public.

(ii) A company shall be deemed to be under the control of not more than five persons—

(a) if any five or fewer persons together exercise, or are able to exercise or are entitled to acquire, control, whether direct or indirect, over the company's affairs, and in particular, but without prejudice to the generality of the foregoing words, if any five or fewer persons together possess, or are entitled to acquire, the greater part of the share capital or voting power of the company ; or

(b) if any five or fewer persons together possess, or are entitled to acquire, either the greater part of the issued share capital of the company, or such part of that capital as would, if the whole of the income of the company were in fact distributed to the members, entitle them to receive the greater part of the amount so distributed ; or

(o) if,—

(i) on the assumption that the company is a company to which this sub-section applies; or

(ii) on the assumption that the company and any other company or companies are companies to which the said sub-section applies, more than one half of the income of the company (including any income which has been apportioned to it, or could on either of those assumptions be apportioned to it, for the purposes of the said sub-section) could be apportioned for those purposes among not more than five persons.

(iii) In determining whether a company is or is not under the control of not more than five persons, persons who are relatives of one another, persons who are nominees of any other persons together with that other person, persons in partnership, and persons interested in any shares or obligations of the company which are subject to any trust or are part of the estate of a deceased person, shall respectively be treated as a single person.

Explanation—For the purpose of this clause,—

(a) the expression “relative” means a husband, wife, ancestor, lineal descendant, brother or sister;

(b) a person shall be deemed to be the nominee of another person, if, whether directly or indirectly, he possesses on behalf of that other person, or may be required to exercise on the direction of or on behalf of that other person, any right or power which, by virtue of any of the provisions of this sub-section, is material in determining whether a company is or is not to be deemed to be under the control of not more than five persons.

(iv) An investment company shall be deemed to be under the control of not more than five persons if any five or fewer persons would, if the company were wound up, be entitled as members or loan creditors of the company to receive more than half of the assets of the Company which would be available for distribution to members and loan creditors.

(v) Notwithstanding anything contained in clause (i), a company which is deemed for the purposes of that clause to be under the control of not more than five persons shall not be deemed to be a subsidiary company, unless it can be deemed to be under the control of not more than five persons only by including among the persons mentioned in sub-clauses (a), (b) or (c) of clause (ii) or in clause (iv) a company to which the provisions of the said clause (i) do not apply and which is not the nominee of any other person.

(vi) The expression “relevant time” in this sub-section means any time during the period ending with the death of the deceased and beginning at the date of the disposition, transfer or other transaction or even relevant for the purposes of this Act, or, if that disposition, transfer or other transaction or event was one of associated operations, at the date of the earliest of those operations.

(5) For the purposes of section 34 the deceased shall be deemed to have had an interest in the property deemed by virtue of this section to be included in the property passing on his death.

18. *Duty of company and officers of company to give information to Controller on death of transferor.*—(1) Where the deceased has made a transfer of property to a controlled company; the company shall be under obligation to inform the Controller within forty-five days from the date of the death of the deceased, of the death, of the fact that the deceased made a transfer of property to the company, and of the fact that benefits accrued to the deceased from the company, and every person who was a principal officer of the company at that date, or if the company has been wound up and dissolved before that date, who was a principal officer of

the company at any time and who has been called upon to furnish any information under this section, shall be under the like obligation as respects such of the facts aforesaid as are within his knowledge, unless he knows, or has reasonable cause for believing, that the information in question has already been given to the Controller by the company or some other person.

(2) If the company or any such person as aforesaid who is under obligation by virtue of the preceding sub-section to give any information to the Controller makes default in the performance of that obligation, the Controller may impose upon the defaulter a penalty not exceeding one thousand rupees.

Explanation.—For the purposes of this section “principal officer” means a manager, managing agent or secretary, and includes any person connected with the company upon whom the Controller has served a notice under this section of treating him as the principal officer thereof.

19. *Collection and incidence of duty under section 17.*—(1) The following persons shall be accountable for the duty payable on the death of the deceased by virtue of section 17, namely :—

(a) the company ;

(b) any person (other than a *bona fide* purchaser for full consideration in money or money's worth received by the company for its own use and benefit) who receives, whether directly from the company or otherwise, or disposes of, any assets which the company had, whether as capital or as income, at the death or at any time thereafter ;

(c) any person who received any distributed assets of the company on their distribution :

Provided that a person shall not.—

(i) by virtue of clause (b), be accountable in respect of any assets for any duty in excess of the value of those assets, or

(ii) by virtue of clause (c), be accountable in respect of any assets for more than a part of the duty bearing to the whole thereof the same proportion as the value of the distribution of those assets bears to the principal value of the assets of the company passing on the death by virtue of section 17.

Explanation.—For the purposes of this sub-section the expressions “distributed assets” and “assets of the company passing on the death” do not include any distributed assets of the company which the deceased received on their distribution ; and a person who, having received any distributed assets of the company, has died before the deceased shall be deemed to have been a person accountable by virtue of clause (c).

(2) Where a company incorporated outside the territories to which this Act extends is accountable for any duty by virtue of the preceding sub-section or of this sub-section, every person who is a member of that company at the death shall also be accountable for a rateable part of that duty in proportion to the value of his interest in that company.

(3) A person accountable for any duty by virtue of this section shall, for the purpose of raising and paying the duty, have all the powers conferred on accountable parties.

(4) On a winding up of the company, sub-section (1) of section 230 of the Indian Companies Act, 1913 (VII of 1913), shall have effect as if there were included in clause (a) of that sub-section a reference to any duty payable in respect of assets of the company passing on a death by virtue of section 16 of this Act, and section 129 of the Indian Companies Act, 1913, shall have effect accordingly.

(5) The duty payable on the death of the deceased by virtue of section 17 shall be a first charge by way of floating security on the assets which the company had at the death or has at any time thereafter, and any part of the duty for which by virtue of clause (c) of sub-section (1) any person is accountable in respect of any distributed assets shall be a first charge also on those assets :

Provided that nothing in this sub-section shall operate to make any property chargeable as against a *bona fide* purchaser thereof for valuable consideration without notice.

(6) Where any duty has been—

(a) paid by a person accountable therefor by virtue only of clause (c) of sub-section (1) ; or

(b) raised by virtue of sub-section (5) out of any distributed assets charged therewith ;

that person or, as the case may be, the person who was entitled to those assets subject to the charge, may (without prejudice to any right of contribution or indemnity which he may have apart from this sub-section), recover the amount of the duty so paid or raised as aforesaid from any person who is accountable therefor otherwise than by virtue of the said clause (c).

(7) No part of the duty paid by the company shall be recoverable by it from any person on the ground only that he is entitled to any interest in, or to any sum charged on, the assets which the company had at the death of the deceased.

(8) The provisions of sub-sections (1) and (3) of section 53 shall not have effect in relation to the duty payable by virtue of section 17.

20. *Power to make rules respecting controlled companies generally.*—

(1) The Board may make rules—

(a) prescribing the class of dispositions or operations which shall be deemed to be transfers to controlled companies within the meaning of section 17 ;

(b) prescribing the matters to be treated as benefits accruing to the deceased from any such controlled company, the manner in which their amount is to be determined, and the time at which they are to be treated as accruing ;

(c) prescribing the manner in which the net income and the value of the assets of any such company are to be determined ;

(d) prescribing the manner in which the accounting year of any such company is to be reckoned ;

(e) prescribing the manner in which the shares and debentures of any such company passing upon the death of the deceased are to be valued for estate duty ;

(f) providing an upper limit by reference to the value of the property transferred by the deceased to any such company and preventing duplication of charge where duty would otherwise be payable in respect of both the assets of any such company (or a proportion of them) and the deceased's holding of shares and debentures in any such company ;

(g) prescribing the conditions upon which and the extent to which transactions in the name of any such company shall be deemed to be *bona fide* transactions for full consideration ; and

(h) generally for the purpose of checking the avoidance of estate duty through the machinery of any such company.

(2) All rules made under this section shall be laid before the House of the People for not less than fifteen days before the date of their final publication.

PART III.—EXCEPTIONS FROM THE CHARGE OF DUTY

21. Foreign property.—(1) There shall not be included in the property passing on the death of the deceased—

(a) immovable property situated outside the territories to which this Act extends ;

(b) movable property situated outside the territories to which this Act extends at the time of the death unless—

(i) in the case of any property, whether settled or not, the deceased was domiciled in the said territories at the time of his death ; or

(ii) in the case of settled property of which the deceased was a life tenant, the settlor was domiciled in the said territories at the date the settlement took effect.

(2) The Board may make rules regulating the manner in which the nature and locality of different classes of assets shall be determined for the purposes of this section.

22. Property held by the deceased as trustee.—Property passing on the death of the deceased shall not be deemed to include property held by the deceased as trustee for another person under a disposition not made by the deceased or under a disposition made by the deceased where (whether by virtue of the original disposition or of a subsequent surrender of any benefit originally reserved to the deceased or otherwise) possession and enjoyment of the property was *bona fide* assumed by the beneficiary at least two years before the death and thenceforward retained by him to the entire exclusion of the deceased or of any benefit to the deceased by contract or otherwise :

Provided that in the case of property held by the deceased as sole trustee for another person under a disposition made by himself, the period shall be five years.

23. Interest failing before becoming an interest in possession.—In the case of settled property where the interest of any person under the settlement fails or determines by reason of his death before it becomes an interest in possession, and one or more subsequent limitations under the settlement continue to subsist, the property shall not be deemed to pass on his death by reason only of the failure or determination of that interest.

Explanation 1.—Where property is settled by a person on himself for life and after his death on any other person, with an ultimate reversion of an absolute interest or absolute power of disposition to the settlor, the property shall not be deemed to pass to the settlor on the death of such other person by reason only that the settlor being then in possession of the property as tenant for life becomes, in consequence of such death, entitled to the immediate reversion or acquires an absolute power to dispose of the whole property.

Explanation 2.—Where the interest of a person in settled property consists of an interest in the residue or part of the residue of an estate of a testator or intestate and the said estate continues to be under administration until the death of the person, the said interest of the person in the residue or part of the residue shall be deemed to have become an interest in possession on the date as from which the income from the residue or part of the residue would have been attributable to that interest if the residue had been ascertained immediately after the death of the testator or intestate.

24. Property reverting to disponent.—(1) Where by a disposition of any property an interest is conferred on any person, other than the disponent for the life of such person or determinable on his death, the remainder

being conferred upon the disponent absolutely, and such person enters into possession of the interest, and thenceforward retains possession of it, then, on the death of such person, the property shall not be deemed to pass by reason only of its reverter to the disponent in his life time.

(2) Where by a disposition of any property any such interest as is mentioned in sub-section (1) is conferred on two or more persons either severally or jointly or in succession, sub-section (1) shall apply in like manner as where the interest is conferred on one person :

Provided that sub-section (1) shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

25. *Income of settled property acquired on death of spouse.*—Where a husband or wife is entitled, either solely or jointly with the other, to the income of any property settled by the other under a disposition which took effect before the commencement of this Act and on his or her death the survivor becomes entitled to the income of the property (as distinguished from the property itself) settled by such survivor, estate duty shall not be payable in respect of that property until the death of that survivor.

26. *Property passing by reason of a bona fide purchase for full or partial consideration in money.*—(1) Subject to the provisions of section 27 and section 46 estate duty shall not be payable in respect of property passing on the death of the deceased by reason only of a *bona fide* purchase from the person under whose disposition the property passes, nor in respect of the falling into possession of the reversion on any lease for lives, nor in respect of the determination of any annuity for lives, where such purchase was made, or such lease or annuity granted, for full consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee.

(2) Where any such purchase was made, or lease or annuity granted, for partial consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of estate duty.

27. *Dispositions in favour of relatives.*—(1) Any disposition made by the deceased in favour of a relative of his shall be treated for the purposes of section 9 as a gift unless—

(a) the disposition was made on the part of the deceased for full consideration in money or money's worth paid to him for his own use or benefit ; or

(b) the deceased was concerned in a fiduciary capacity imposed on him otherwise than by a disposition made by him and in such a capacity only ; and references to a gift in this Act shall be construed accordingly :

Provided that where the disposition was made on the part of the deceased for partial consideration in money or money's worth paid to him for his own use or benefit, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of estate duty.

(2) Where the deceased has made a disposition of property in favour of a relative of his, the creation or disposition in favour of the deceased of an annuity or other interest limited to cease on the death of the deceased or of any other person shall not be treated for the purposes of this section as consideration for the disposition made by the deceased.

(3) If a controlled company was concerned in a transaction in relation to which it is claimed that the provisions of clause (a) of or the proviso to sub-section (1) have effect, those provisions shall have effect in relation thereto if and only if, and to the extent only to which, the Controller is satisfied that those provisions would have had effect in the following circumstances, namely, if the assets of the company had been held by it on trust for the members thereof and any other person to whom it is under any liability incurred otherwise than for the purposes of the business of the company wholly and exclusively, in accordance with the rights attaching to the shares in and debentures of the company and the terms on which any such liability was incurred, and if the company had acted in the capacity of a trustee only with power to carry on the business of the company and to employ the assets of the company therein.

(4) Any gift made in favour of a relative of the deceased by a controlled company of which the deceased at the time of the gift had control within the meaning of section 17 shall be treated for the purposes of section 9 as a gift made by the deceased, and the property taken under the gift shall be treated as included by virtue of that section in the property passing on the death of the deceased, if and to the extent to which the Controller is satisfied that they would fall to be so treated in the circumstances mentioned in the last foregoing sub-section.

(5) If the deceased has made in favour of a controlled company a disposition which, if it had been made in favour of a relative of his, would have fallen within sub-section (2), this section shall have effect in like manner as if the disposition had been made in favour of a relative of his, unless it is shown to the satisfaction of the Controller that no relative of the deceased was, at the time of the disposition or subsequently during the life of the deceased, a member of the company.

Explanation—For the purposes of this sub-section a person who is, or is deemed by virtue of this provision to be, a member of a controlled company which is a member of another such company shall be deemed to be a member of that other company.

(6) Where there have been associated operations effected with reference to the receiving by the deceased of any payment in respect of such an annuity or other interest as is mentioned in sub-section (2), or effected with a view to enabling him to receive or to facilitating the receipt by him of any such payment, this section shall have effect in relation to each of those associated operations as it has effect in relation to the creation or disposition in favour of the deceased of such an annuity or other interest.

(7) In this section—

(i) "relative" means, in relation to the deceased, —

(a) the wife or husband of the deceased,

(b) the father, mother, children, uncles and aunts of the deceased
and

(c) any issue of any person falling within either of the preceding sub-clauses and the other party to a marriage with any such person or issue ;

(ii) reference to "children" and "issue" include reference to illegitimate children and to adopted children ;

(iii) "annuity" includes any series of payments, whether interconnected or not, whether of the same or of varying amounts, and whether payable at regular intervals or otherwise, and payments of dividends or interests on shares in or debentures of a company shall be treated for the purposes of this section as a series of payments constituting an annuity

limited to cease on a death if the payments are liable to cease on the death, or the amounts thereof are liable to be reduced on the death, by reason directly or indirectly of the extinguishment or any alteration of rights attaching to, or of the issue of any shares in or debentures of a company ;

(iv) "associated operations" means any two or more operations of any kind being—

(a) operations which affect the same property, or one of which affects some property and the other or others of which affect property which represents, whether directly or indirectly, that property, or income arising from that property, or any property representing accumulations of any such income ; or

(b) any two operations of which one is effected with reference to the other, or with a view to enabling it to be effected or to facilitating its being effected, and any third operation having a like relation to either of those two, and any fourth operation having a like relation to any of those three, and so on ;

whether those operations are effected by the same person or by different persons, whether they are connected otherwise than as aforesaid or not, and whether they are contemporaneous or any of them precedes or follows any other.

28. *Effect of new or increased rates of duty on certain prior sales and mortgages*—Where an interest in expectancy in any property has, whether before or after the commencement of this Act, been *bona fide* sold or mortgaged for full consideration in money or money's worth, and the rates of estate duty in force in the case of a person dying when the interest falls into possession are higher than the rates in force, if any, in the case of a person dying at the time of the sale or mortgage, then—

(a) no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than the duty, if any, which would have been payable if the rates of estate duty applicable had been the rates in force, if any, in the case of a person dying at the time of the sale, or mortgage, and

(b) in the case of a mortgage, any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

29. *Settled property in respect of which since the date of the settlement estate duty has been paid on the death of the deceased's spouse*.—If estate duty has already been paid in respect of any settled property since the date of the settlement, on the death of one of the parties to a marriage, the estate duty shall not be payable in respect thereof on the death of the other party to the marriage, unless the latter was at the time of his death, or had been at any time during the continuance of the settlement, competent to dispose of such property, and, if on his death subsequent limitations under the settlement take effect in respect of such property, was *sui juris* at the time of his death, or had been *sui juris* at any time while so competent to dispose of the property.

30. *Agreement for avoidance or relief of double taxation with respect to estate duty*.—The Central Government may enter into an agreement with the Government of any reciprocating country for the avoidance or relief of double taxation with respect to estate duty leviable under this Act and under the corresponding law in force in the reciprocating country and may by notification in the Official Gazette, make such provision as may be necessary for implementing the agreement.

Explanation.—The expression “reciprocating country” for the purposes of this Act means any country which the Central Government may, by notification in the Official Gazette, declare to be a reciprocating country.

31. *Allowance for quick succession to property.*—Where the Board is satisfied that estate duty has become payable on any property passing upon the death of any person, and that subsequently within five years estate duty has again become payable on the same property or any part thereof passing on the death of the person to whom the property passed on the first death, the amount of estate duty payable on the second death in respect of the property so passing shall be reduced as follows :—

Where the second death occurs within one year of the first death, by fifty per cent. ;

Where the second death occurs within two years of the first death, by forty per cent. ;

Where the second death occurs within three years of the first death, by thirty per cent. ;

Where the second death occurs within four years of the first death, by twenty per cent. ;

Where the second death occurs within five years of the first death, by ten per cent. ;

Provided that where the value on which the duty is payable of the property on the second death exceeds the value on which the duty was payable of the property on the first death, the latter value shall be substituted for the former for the purpose of calculating the amount of duty on which the reduction under this section is to be calculated.

Explanation 1—For the purposes of this section every death shall be deemed to be a second death in relation to the death immediately preceding.

Explanation 2.—In computing any period for the purposes of this section, deaths occurring within a period of three months after the death of any person in respect of whose property estate duty has become payable, shall be treated as one death, and no estate duty shall again be payable on the same property by reason of the subsequent deaths occurring within the said period of three months.

32. *Exemption of interest of a Hindu widow devolving upon reversioners in certain cases*—Where on the death of any person governed by any school of Hindu law, his interest in any property has devolved on his widow, then, if the widow dies within seven years of her husband's death and the interest aforesaid devolves upon the reversioners or any of them, no estate duty shall be leviable in respect of the passing of the interest aforesaid on the death of the widow, if and in so far as estate duty had been paid in respect of the passing of such interest on the death of her husband.

33. *Exemptions*—(1) To the extent specified against each of the classes in this sub-section, no estate duty shall be payable in respect of property of any of the following kinds belonging to the deceased which passes on his death—

(a) property taken under a gift made by the deceased for a public charitable purpose within a period of six months before his death, to the extent of rupees two thousand and five hundred in value ;

(b) property taken under a gift made by the deceased for any other purpose within a period of two years before his death, to the extent of rupees one thousand and five hundred in value ;

(c) household goods, including tools of artisans, agricultural implements or any other tools or implements as were necessary to the deceased to enable him to earn his livelihood, to the extent of rupees two thousand and five hundred in value ;

(d) books, not intended for sale ;

(e) wearing apparel, but not including any precious or semi-precious stones or ornaments worked or sewn into the wearing apparel ;

(f) moneys payable under one or more policies of insurance effected by the deceased on his life for the purpose of paying estate duty or assigned to the Government for the said purpose, to the extent of the amount of duty payable but not exceeding rupees fifty thousand ;

(g) moneys deposited with the Government in such manner as may be prescribed for the purpose of paying estate duty, together with the interest which has accrued due thereon at such rate as may be prescribed, to the extent of the amount of duty payable but not exceeding rupees fifty thousand ;

(h) moneys payable under one or more policies of insurance effected by the deceased on his life, to the extent of rupees five thousand ;

(i) drawings, paintings, prints, manuscripts, works of art or archaeological or scientific collections which are of national, scientific or historical interest and which are retained in the family of the deceased and dealt with or disposed of in accordance with such conditions as the Board may prescribe, or which are given absolutely or bequeathed to Government or to any University or other public institution ;

(j) drawings, paintings, photographs, prints, manuscripts and any other heir-loom, not falling within clause (i), which are retained in the family of the deceased and are dealt with or disposed of in accordance with such conditions as the Board may prescribe and are not intended for sale ;

(k) moneys earmarked under policies of insurance or declarations of trust or settlements effected or made by a deceased parent or natural guardian for the marriage of any of his female relatives dependent upon him for the necessaries of life, to the extent of rupees five thousand in respect of the marriage of each of such relatives.

(2) If the Central Government is of opinion that in respect of any class of property or class of persons the circumstances are such that some relief in addition to the reliefs provided in sub-section (1) should be given, it may, by notification in the Official Gazette, make any exemption, reduction in rate or other modification in respect of estate duty in favour of any such class of property or the whole or any part of the property of any class of persons, and any notification so issued shall be laid before both Houses of Parliament as soon as may be after it is issued.

PART IV.—AGGREGATION OF PROPERTY AND RATES OF DUTY

34. *Aggregation.*—(1) For determining the rate of estate duty to be paid on any property passing on the death of the deceased, all property so passing, excluding—

property exempted from duty under clauses (c), (d), (e), (i) and (j) of sub-section (1) of section 33, but including—

(i) property on which no estate duty is leviable under section 35,

(ii) property exempted from duty under clauses (a), (b), (f), (g), (h) and (k) of section 33, and

(iii) agricultural land situate in any State not specified in the First Schedule,

shall be aggregated so as to form one estate and the duty shall be levied

at the rate or rates applicable in respect of the principal value thereof :

Provided that any property so passing, in which the deceased never had an interest, not being a debt or right or benefit that is treated as property by virtue of the *Explanations* to clause (15) of section 2, shall not be aggregated with any other property; but shall be an estate by itself and the estate duty shall be leviable at the rate or rates applicable in respect of the principal value thereof.

(2) Every estate shall include all income accrued upon the property included therein down to and outstanding at the date of the death of the deceased.

(3) Property passing on any death shall not be aggregated more than once nor shall estate duty in respect thereof be levied more than once on the same death.

(4) Where an estate includes any property which is exempt from estate duty, the estate duty leviable on the property which is not so exempt shall be an amount bearing to the total amount of duty which would have been payable on the whole estate had no part of it been exempted the same proportion as the unexempted value of the property bears to the value of the whole estate.

Explanation.—For the purposes of this sub-section property which is exempt from estate duty means any property which is exempt from estate duty under section 33 and also any agricultural land situate in any State not specified in the First Schedule.

35. *Rates of estate duty on property including agricultural land.*—(1) The rates of estate duty shall be as mentioned in the Second Schedule :

Provided that no such duty shall be levied upon—

(a) property which consists of an interest in the joint family property of a Hindu family governed by the Mitakshara, Marumakkattayam or Aliyasantana law, to the extent to which the principal value of the estate does not exceed rupees fifty thousand ;

(b) property of any other kind, to the extent to which the principal value of the estate does not exceed rupees one lakh.

(2) Where an estate passing on the death of a person consists partly of property of the nature described in clause (a) of the proviso to sub-section (1) and partly of the nature described in clause (b) of the said proviso, the estate duty payable thereon shall be—

(i) the amount which bears to the total amount of estate duty which would have been payable on the estate had it wholly consisted of property of the nature described in clause (a) the same proportion as the value of such property bears to the value of the estate, *plus*

(ii) the amount which bears to the total amount of estate duty which would have been payable on the estate had it wholly consisted of property of the nature described in clause (b) the same proportion as the value of such property bears to the value of the estate.

(3) Notwithstanding anything contained in sub-section (1) and the Second Schedule, where any property passing on the death of any person consists wholly or in part of agricultural land and the principal value of the estate does not exceed rupees two lakhs, there shall be allowed by way of rebate—

(a) in the case of an estate which consists wholly of agricultural land, a sum representing one-fourth of the estate duty payable ; and

(b) in the case of an estate which consists in part only of agricultural land, a sum representing one-fourth of the estate duty payable on that part of the estate which consists of agricultural land, the duty on such part being a sum which bears to the total amount of estate duty the same

proportion as the value of the agricultural land bears to the value of the estate.

PART V.—VALUE CHARGEABLE

36. *Principal value how to be estimated*—(1) The principal value of any property shall be estimated to be the price which, in the opinion of the Controller it would fetch if sold in the open market at the time of the deceased's death.

(2) In estimating the principal value under this section the Controller shall fix the price of the property according to the market price at the time of the deceased's death and shall not make any reduction in the estimate on account of the estimate being made on the assumption that the whole property is to be placed on the market at one and the same time :

Provided that where it is proved to the satisfaction of the Controller that the value of the property has depreciated by reason of the death of the deceased, the depreciation shall be taken into account in fixing the price.

37. *Valuation of shares in a private company where alienation is restricted*—Where the articles of association of a private company contain restrictive provisions as to the alienation of shares, the value of the shares, if not ascertainable by reference to the value of the total assets of the company, shall be estimated to be what they would fetch if they could be sold in the open market on the terms of the purchaser being entitled to be registered as holder subject to the articles, but the fact that a special buyer would for his own special reasons give a higher price than the price in the open market shall be disregarded.

38. *Valuation of interests in expectancy*—Where an estate includes an interest in expectancy, estate duty in respect of that interest shall be paid, at the option of the person accountable for the duty, either with the duty in respect of the rest of the estate or when the interest falls into possession, and if the duty is not paid with the estate duty in respect of the rest of the estate, then—

(a) for the purpose of determining the rate of estate duty in respect of the rest of the estate, the value of the interest shall be its value at the date of the death of the deceased ; and

(b) the rate of estate duty in respect of the interest when it falls into possession shall be calculated according to its value when it falls into possession, together with the value of the rest of the estate as previously ascertained.

39. *Valuation of interest in coparcenary property ceasing on death.*—

(1) The value of the benefit accruing or arising from the cesser of a coparcenary interest in any joint family property governed by the Mitakshara school of Hindu law which ceases on the death of a member thereof shall be the principal value of the share in the joint family property which would have been allotted to the deceased had there been a partition immediately before his death.

(2) The value of the benefit accruing or arising from the cesser of an interest in the property of a *tarwad* or *tavazhi* governed by the Marumakkattayam rule of inheritance or of a *kutumba* or *kavaru* governed by the Aliyasantana rule of inheritance which ceases on the death of a member thereof shall be the principal value of the share in the property of the *tarwad* or *tavazhi* or, as the case may be, the *kutumba* or *kavaru* which would have been allotted to the deceased had a partition taken place immediately before his death.

(3) For the purpose of estimating the principal value of the joint family property of a Hindu family governed by the Mitakshara, Marumakkattayam or Aliyasantana law in order to arrive at the share which would have been allotted to the deceased had a partition taken place immediately before his death, the provisions of this Act, so far as may be, shall apply as they would have applied if the whole of the joint family property had belonged to the deceased.

40. *Valuation of benefits from interest ceasing on death.*—The value of the benefits accruing or arising from the cesser of an interest ceasing on the death of the deceased shall—

(a) if the interest extended to the whole income of the property, be the principal value of that property; and

(b) if the interest extended to less than the whole income of the property, be the principal value of an addition to the property equal to the income to which the interest extended.

41. *Valuation to be made by the Controller.*—Subject to the provisions of this Act, the value of any property for the purpose of estate duty shall be ascertained by the Controller in such manner and by such means as may be prescribed and if he authorises a person to inspect any property and to report the value thereof for the purposes of this Act, that person may enter upon the property and inspect it at such reasonable times as may be prescribed.

42. *Costs of valuation.*—Where the Controller requires any person to report on the value of any property for the purposes of this Act, the reasonable costs of such valuation shall be defrayed by the Controller.

43. *Controller may accept and certify valuation when convenient.*—The Controller on application from a person accountable for the duty on any property forming part of an estate shall, where he considers that it can conveniently be done, certify the amount of the valuation accepted by him for any class or description of property forming part of such estate.

PART VI—DEDUCTIONS

44. *Reasonable funeral expenses and, with some exceptions, debts and incumbrances to be allowed for in determining chargeable value of estate.*—In determining the value of an estate for the purpose of estate duty, allowance shall be made for funeral expenses (not exceeding rupees one thousand) and for debts and incumbrances; but an allowance shall not be made—

(a) for debts incurred by the deceased, or incumbrances created by a disposition made by the deceased, unless, subject to the provisions of section 27, such debts or incumbrances were incurred or created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest or

(b) for any debt in respect whereof there is right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained, or

(c) more than once for the same debt or incumbrance charged upon different portions of the estate, or

(d) for debts incurred by or on behalf of the deceased by way of dower, to the extent to which such debts are in excess of rupees five thousand, and any debt or incumbrance for which an allowance is made shall be deducted from the value of the property liable thereto.

Explanation.—For the purpose of this section, "funeral expenses"

include all expenses which may have to be incurred in connection with the *shraddha* or *bursi* ceremonies of the deceased for a period of one year from his death.

45. *Limitations on debts deductible.*—Where a debt or incumbrance has been incurred or created in whole or in part for the purpose of or in consideration for the purchase or acquisition or extinction, whether by operation of law or otherwise of any interest in expectancy in any property passing or deemed to pass on the death of the deceased and any person whose interest in expectancy is so purchased, acquired, or extinguished becomes (under any disposition made by or through devolution of law from, or under the intestacy of, the deceased) entitled to any interest in that property, then in determining the value of the estate of the deceased for the purpose of estate duty no allowance shall be made in respect of such debt or incumbrance, and any property charged with any such debt or incumbrance shall be deemed to pass freed from that debt or incumbrance :

Provided that—

(a) if part only of such debt or incumbrance was incurred or created for such purpose or as such consideration as aforesaid, this provision shall apply to that part of such debt or incumbrance only; and

(b) if a person whose interest in expectancy in the property so purchased, acquired or extinguished becomes entitled to an interest in part only of that property, this provision shall apply only to such part of the debt or incumbrance as bears the same proportion to the whole debt or incumbrance as the value of the part of the property to an interest in which he becomes entitled bears to the value of the whole of that property.

46. *Further limitations.*—(1) Any allowance which, but for this provision, would be made under section 44 for a debt incurred by the deceased as mentioned in clause (a) of that section, or for an incumbrance created by a disposition made by the deceased as therein mentioned, shall be subject to abatement to an extent proportionate to the value of any of the consideration given therefor which consisted of—

(a) property derived from the deceased ; or

(b) consideration not being such property as aforesaid, but given by any person who was at any time entitled to, or amongst whose resources there was at any time included, any property derived from the deceased : •

Provided that if, where the whole or a part of the consideration given consisted of such consideration as is mentioned in clause (b) of this sub-section, it is proved to the satisfaction of the Controller that the value of the consideration given, or of that part thereof, as the case may be, exceeded that which could have been rendered available by application of all the property derived from the deceased, other than such (if any) of that property as is included in the consideration given or as to which the like facts are proved in relation to the giving of the consideration as are mentioned in the proviso to sub-section (1) of section 16 in relation to the purchase or provision of annuity or other interest, no abatement shall be made in respect of the excess.

(2) Money or money's worth paid or applied by the deceased in or towards satisfaction or discharge of a debt or incumbrance in the case of which sub-section (1) would have had effect on his death if the debt or incumbrance had not been satisfied or discharged, or in reduction of a debt or incumbrance in the case of which that sub-section has effect on his death, shall, unless so paid or applied two years before the death, be

treated as property deemed to be included in the property passing on the death and estate duty shall, notwithstanding anything in section 25, be payable in respect thereof accordingly.

(3) The provisions of sub-section (2) of section 16 shall have effect for the purpose of this section as they have effect for the purpose of that section.

47. *Debts to persons resident in foreign country not to be deducted in first instance except from duty-paid property in that country.*—An allowance shall not be made in the first instance for debts due from the deceased to persons resident out of the territories to which this Act extends (unless contracted to be paid in the said territories or charged on properties situate within the said territories), except out of the value of any property of the deceased situate out of the said territories in respect of which estate duty is paid; and there shall be no repayment of estate duty in respect of any such debts, except to the extent to which it is shown to the satisfaction of the Controller that the property of the deceased situate in the foreign country in which the person to whom such debts are due resides is insufficient for their payment.

48. *Cost of realising or administering foreign property may be allowed for within certain limits.*—Where the Controller is satisfied that any additional expense in administering or in realising property has been incurred by reason of the property being situate out of the territories to which this Act extends, he may make an allowance from the value of the property on account of such expense not exceeding in any case five per cent. on the value of the property.

49. *Allowance for duty paid in a non-reciprocating country.*—Where any property passing on the death of the deceased is situate in a non-reciprocating country and the Controller is satisfied that by reason of such death any duty is payable in that country in respect of that property, he may, subject to such rules as may be made by the Board in this behalf, make an allowance of the whole or any part of the amount of that duty from the value of the property.

Explanation—In this section, the expression “non-reciprocating country” means any country other than India which has not been declared to be a reciprocating country for the purposes of this Act.

50. *Relief from estate duty where court-fees have been paid for obtaining representation to estate of deceased*—Where any fees have been paid under any law relating to court-fees in force in any State other than the State of Jammu and Kashmir for obtaining probate, letters of administration or a succession certificate in respect of any property on which estate duty is leviable under this Act, the amount of the estate duty payable shall be reduced by an amount which is equal to the court-fees so paid.

PART VII—COLLECTION OF THE DUTY

51. *Method of collection of duty.*—Estate duty may be collected by such means and in such manner as the Board may prescribe.

52. *Payment of duty may be accepted in prescribed Government securities*—The Board may prescribe that Government securities shall be accepted in payment of estate duty on such terms as it thinks fit.

53. *Persons accountable, and their duties and liabilities.*—(1) Where any property passes on the death of the deceased—

(a) every legal representative to whom such property so passes for any beneficial interest in possession or in whom any interest in the property so passing is at any time vested,

(b) every trustee, guardian, committee or other person in whom any

interest in the property so passing or the management thereof is at any time vested, and

(c) every person in whom any interest in the property so passing is vested in possession by alienation or other derivative title, shall be accountable for the whole of the estate duty on the property passing on the death but shall not be liable for any duty in excess of the assets of the deceased which he actually received or which, but for his own neglect or default, he might have received :

Provided that nothing in this section shall render a person accountable for duty who acts merely as agent or bailiff for another person in the management of property.

(2) Notwithstanding anything contained in sub-section (1), where an heir-at-law proves to the satisfaction of the Controller that some other person is in adverse possession of any assets of the deceased, the heir-at-law shall not be accountable for the portion of the estate duty payable in respect of such assets :

Provided that he shall become so accountable if, and to the extent that, he subsequently recovers possession of such assets.

(3) Every person accountable for estate duty under the provisions of this section shall, within six months of the death of the deceased or such later time as the Controller may allow, deliver to the Controller and verify to the best of his knowledge and belief, an account of all the property in respect of which estate duty is payable.

(4) Where the person accountable knows of any property which he has not included in his account because he does not know its amount or value, he may state that such property exists, but he does not know the amount or value thereof and that he undertakes, as soon as the amount and value are ascertained to bring a supplementary account thereof and to pay both the duty for which he may be liable in respect of such property had any further duty payable by reason thereof for which he may be liable in respect of the property mentioned in the original account.

(5) Where two or more persons are accountable, whether in the same capacity or in different capacities, for estate duty in respect of any property passing on the death of the deceased, they shall be liable jointly and severally for the whole of the estate duty on the property so passing.

54. *Persons accountable may include trustees in certain cases.*—(1) Where an interest limited to cease on a death within the meaning of section 11 after becoming an interest in possession is disposed of or determines wholly or partly, then, whatever the nature of the property in which the interest subsisted, the following persons shall be accountable for any estate duty payable on the death by virtue of that section (in addition to any persons accountable thereof apart from this section), that is to say—

(a) if the settlement under which the interest subsisted is in existence at the death, the trustees for the time being of that settlement ; and

(b) if it is not, the persons who were the last trustees of that settlement.

(2) Where—

(a) the trustees of a settlement may become accountable for estate duty payable by virtue of section 11 in respect of any property ; and

(b) it is intended that the property or any part thereof shall cease to be comprised in the settlement ;

then if the trustees obtain from the Controller a certificate of the amount which in the opinion of the Controller may properly be treated as the prospective amount of the duty, and give the Controller all the information and evidence required by the Controller in connection with the application for the certificate, no person shall be accountable as trustee of the settlement for the duty to which the certificate relates to an amount in excess of the amount certified.

(3) It is hereby declared that a person who may become accountable as trustee of a settlement for estate duty payable by virtue of section 11 on property which is or has been comprised in the settlement has a lien for the prospective amount of the duty and the costs in respect thereof on any property in his hands which is so comprised.

Explanation—References in this section to the prospective amount of any duty are to be taken as referring to the prospective amount of the duty on the assumption that it will become chargeable.

55. Every person believed to be in possession to deliver statement of particulars of property as required by Controller—Every person accountable for estate duty, every company to which, in the opinion of the Controller, a transfer of property has been made by the deceased as mentioned in section 17, every person who is or was at any time an officer or auditor of such a company, and every person whom the Controller believes to have taken possession of or administered any part of the estate in respect of which duty is leviable on the death of the deceased, or of the income of any part of such estate shall, if required by the Controller, deliver to him and verify, to the best of his knowledge and belief, a statement of such particulars together with such accounts, documents, evidence or information as the Controller may require relating to any property which he has reason to believe to form part of an estate in respect of which estate duty is leviable on the death of the deceased.

56. Penalty for default.—Any person who without reasonable cause has failed to comply with the provisions of section 53 or section 55 or has failed to comply with the said provisions within the time allowed, shall be liable to pay a penalty of one thousand rupees or a sum equal to double the amount of estate duty, if any, remaining unpaid for which he is accountable, according as the Controller may direct :

Provided that the Controller may reduce the penalty in any particular case.

57. Executor to specify all chargeable property with affidavit of valuation.—In all cases in which a grant of representation is applied for within six months of the death of the deceased—

(a) the executor of the deceased shall, to the best of his knowledge and belief, specify in an appropriate account annexed to the affidavit of valuation filed in court under section 19-I of the Court-fees Act, 1870 (VII of 1870), all the property in respect of which estate duty is payable upon the death of the deceased and shall deliver a copy of the affidavit with the account to the Controller, and

(b) no order entitling the applicant to the grant of representation shall be made upon his application until he has delivered the account prescribed in clause (a) and has produced a certificate from the Controller under section 60 or section 67 that the estate duty payable in respect of the property included in the account has been or will be paid, or that none is due, as the case may be.

58. Estate duty when due and how and when to be collected.—(1) Estate duty shall be due from the date of the death of the deceased and shall be

collected upon the account delivered under section 53 or clause (a) of section 57 or the account prepared under sub-section (2) of section 61.

(2) When any estate duty, penalty, interest or any other sum chargeable under this Act has been determined in consequence of any order passed under or in pursuance of this Act, the Controller shall serve on the person accountable a notice of demand in the prescribed form specifying the sum so payable and the time within which and the place at which it is payable.

59. *Limitation for commencing proceedings for levy of estate duty.*—No proceeding for the levy of any estate duty under this Act shall be commenced after the expiration of twelve years from the date of death of the deceased in respect of whose property estate duty became leviable.

60. *Duty to be paid or security for payment furnished on delivery of account and certificate to be granted thereupon.*—Upon delivery of the account under section 53 or clause (a) of section 57, the person delivering it shall pay to the Controller, or furnish security to the satisfaction of the Controller for the payment of, the estate duty, if any, payable in respect of the property included in the account, and the Controller shall thereupon grant him a certificate that such duty has been or will be paid, or that none is due, as the case may be.

61. *Controller's powers in respect of valuations.*—(1) If the Controller is of opinion that the person delivering the account has under-estimated the value of the property in respect of which estate duty is payable (whether by placing too low a value on the property included in the account or by omitting to include therein property that ought to have been included), the Controller may inquire into the matter in such manner and by such means as he thinks fit and, if still of opinion that the value of the property has been under-estimated, may require him to amend the valuation, and if that person does not amend the valuation to the satisfaction of the Controller, the Controller may determine the valuation on the basis of which estate duty is payable after giving the person accountable an opportunity of being heard.

(2) In any case where no account has been delivered as required by section 53 or clause (a) of section 57, the Controller may cause an account of the property passing on the death of the deceased to be prepared in such manner and by such means as he thinks fit and may call upon any person who in his opinion is accountable for the payment of estate duty in respect of the property to accept such account, and if that person does not accept the account or his liability, the Controller may determine the estate duty payable by that person.

62. *Rectification of mistakes relating to valuation for estate duty.*—(1) If, after the determination of the estate duty payable in respect of any estate, it appears to the Controller that, by reason of any mistake apparent from the record or of any mistake in the valuation of any property in any case other than a case in which the valuation has been the subject matter of an appeal under this Act or of the omission of any property, the estate duty paid thereon is either in excess of or less than the actual duty payable, he may, either on his own motion or on the application of the person accountable and after obtaining the previous approval of the Board, at any time within three years from the date on which the estate duty was first determined—

(a) refund the excess duty paid, or, as the case may be,

(b) determine the additional duty payable on the property :

Provided that where the person accountable had fraudulently under-

estimated the value of any property or omitted any property, the period shall be six years :

Provided further that no order shall be made under this sub-section unless the person accountable has been given an opportunity of being heard.

(2) Nothing contained in sub-section (1) shall render any person accountable to whom a certificate that the estate duty has been paid is granted liable for any additional duty in excess of the assets of the deceased which are still in his possession, unless the person accountable had fraudulently attempted to evade any part of the estate duty in the first instance.

63. Appeal against determination by Controller.—(1) Any person—

(a) objecting—

(i) to any valuation made by the Controller, or

(ii) to any order made by the Controller determining the estate duty payable, or

(iii) to any penalty levied by the Controller under section 58, or

(iv) to any final order or adjudication having the effect of imposing a liability or an obligation to pay estate duty in respect of any property, or

(b) denying his liability to account for the estate duty payable in respect of any property, or

(c) objecting to any order made by the Controller refusing to grant a certificate of discharge or any other certificate under this Act, may, within ninety days of the date of the receipt of the notice of demand under section 58 in the cases specified in clauses (a) and (b), and within ninety days of the date of the order in the cases specified in clause (c), appeal to the Board in the prescribed form which shall be verified in the prescribed manner.

(2) The Board may admit an appeal after the expiry of ninety days referred to in sub-section (1) if it is satisfied that there was sufficient cause for not presenting it within that period.

(3) The Board may, in disposing of any appeal, hold or cause to be held such further inquiry as it thinks fit, and after giving the appellant an opportunity of being heard pass, subject to the provisions of sub-section (4) such orders thereon as it thinks fit and shall send a copy of such orders to the appellant and the Controller.

(4) Where the dispute pertains to any valuation of property, the Board may, and if the appellant so requires, it shall, refer the question of disputed value to the arbitration of two valuers, one of whom shall be nominated by the Board and the other by the appellant, and the costs of any such arbitration shall be borne by the Board or the appellant, as the case may be, at whose instance the matter was referred to the valuers :

Provided that where the appellant has been wholly or partially successful in any reference made at his instance, the extent to which costs should be borne by the appellant shall be at the discretion of the Board :

Provided further that if there is a difference of opinion between the two valuers, the matter shall be referred to a third valuer nominated by agreement, or failing agreement by the Central Government, and his decision on the question of valuation shall be final.

(5) The valuers may, in disposing of any matter referred to them for arbitration under sub-section (4), hold or cause to be held such inquiry as they think fit, and, after giving the appellant and the Controller an opportunity of being heard, pass such orders thereon as they think fit and shall send a copy of such order to the appellant and to the Board.

(6) Notwithstanding that an appeal has been filed before the Board, so much of the estate duty as is not in dispute shall be payable by the appellant.

64. *Statement of case by the Board to High Court.*—(1) Within ninety days of the date upon which he is served with an order under sub-section (3) of section 63, the person accountable may present an application to the Board in the prescribed form, accompanied by a fee of one hundred rupees, requiring the Board to refer to the High Court any question of law arising out of such order, and the Board shall, if in its opinion a question of law arises out of such order, state the case for the opinion of the High Court :

Provided that the Board may admit such an application after the expiry of ninety days if it is satisfied that there was sufficient cause for not presenting it within the said period.

(2) If, on an application made under sub-section (1), the Board —

(a) refuses to state a case on the ground that no question of law arises, or

(b) rejects it on the ground that it is time-barred, the person accountable may, within three months from the date on which he is served with a notice of refusal or rejection, as the case may be, apply to the High Court, and the High Court may, if it is not satisfied with the correctness of the decision of the Board, require the Board to state the case to the High Court and on receipt of such requisition the Board shall state the case :

Provided that if, in any case where it has been required by a person accountable to state a case, the Board refuses to do so on the ground that no question of law arises, such person may within thirty days from the date on which he receives notice of the refusal to state the case, withdraw his application and if he does so the fee paid by him under sub-section (1) shall be refunded.

(3) Section 5 of the Indian Limitation Act, 1908 (IX of 1908) shall apply to an application to the High Court under sub-section (2).

(4) If, on an application made under sub-section (1), the Board is of opinion that either on account of the importance of any question of law involved in the case or on account of a conflict in the decisions of different High Courts in respect of any particular question of law arising therefrom, it is expedient that a case should be stated direct to the Supreme Court, the Board may state the case direct to the Supreme Court.

(5) The case shall set forth the facts, the determination of the Board and the questions of law which arise out of the case.

(6) If the High Court or the Supreme Court is not satisfied that the case as stated is sufficient to enable it to determine the questions of law raised thereby, the Court may require the Board to make such additions thereto, or alterations therein, as it may direct in this behalf.

(7) The High Court or the Supreme Court upon hearing any such case shall decide the question of law raised therein and in doing so may, if it thinks fit, alter the form of the question of law and shall deliver its judgment thereon containing the ground on which such decision is founded and shall send a copy of such judgment, under the seal of the Court and the signature of the Registrar, to the Board which shall pass such orders as are necessary to dispose of the case conformably to such orders as are necessary to dispose of the case conformably to such judgment.

(8) The costs of any reference to the High Court or to the Supreme Court shall be in the discretion of the Court.

Provided that in case the case is referred to the Supreme Court under sub-section (4) of this section the party shall pay, if required to do so, the cost only as if reference has been made to a High Court and not the Supreme Court.

(9) Notwithstanding that a reference has been made under this section to the High Court or to the Supreme Court, estate duty shall be payable in accordance with the determination made by the Board.

(10) For the purposes of this section "High Court" means the High Court to which, or to a court subordinate to which, an application for grant of representation has been made, or where no such application has been made, the High Court which would have jurisdiction to entertain such an application :

Provided that in the case of Part C States, "High Court" means—

(a) in relation to Ajmer and Vindhya Pradesh, the High Court at Allahabad,

(b) in relation to Bhopal, the High Court at Nagpur,

(c) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab,

(d) in relation to Coorg, the High Court of Mysore,

(e) in relation to Kutch, the High Court at Bombay,

(f) in relation to Manipur and Tripura, the High Court of Assam, and

(g) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta.

65. *Case to be heard by Benches of High Courts and appeal to lie in certain cases to the Supreme Court*—(1) When a case has been stated to the High Court under section 64, it shall be heard by a Bench of not less than two Judges of the High Court, and shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

Provided that where there is no such majority, the Judges shall state the point of law upon which they differ, and the case shall then be heard upon that point only by one or more of the other Judges of the High Court, and such point shall be decided according to the opinion of the majority of the Judges who have heard the case, including those who first heard it.

(2) An appeal shall lie to the Supreme Court from any judgment of the High Court delivered on a case stated under section 64 in any case which the High Court certifies to be a fit one for appeal to the Supreme Court.

(3) The provisions of the Code of Civil Procedure, 1908 (Act V of 1908), relating to appeals to the Supreme Court shall, so far as may be, apply in the case of appeals under this section in like manner as they apply in the case of appeals from decrees of a High Court :

Provided that nothing in this sub-section shall be deemed to affect the provisions of sub-section (7) of section 64 :

Provided further that the High Court may, on petition made for the execution of the order of the Supreme Court in respect of any costs awarded thereby, transmit the order for execution to any court subordinate to the High Court.

(4) Where the judgment of the High Court is varied or reversed in appeal under this section, effect shall be given to the order of the Supreme Court in the manner provided in sub-section (7) of section 64.

66 *Grant of representation not to be delayed on reference to High Court*.—Where any grant of representation has been applied for, it shall

not be delayed by reason of any reference to a High Court under section 64.

67. *Certificate of payment of duty, and penalty for non-payment.*—(1) Where the valuation is amended by the person accountable upon the Controller's requisition under sub-section (1) of section 61 or is enhanced by the Court upon the Board's reference under section 64, and in any case where the original valuation has been discovered to be too low, such person shall, within two months of the amendment or enhancement or discovery, pay the deficit duty which is payable in respect of the property upon the amended or enhanced or full valuation and the Controller shall thereupon grant him a certificate accordingly.

(2) Where the valuation is reduced by the Court on the Board's reference under section 64, the Controller shall refund to the person accountable any excess duty paid by him within two months from the date of receipt by him of the order and shall grant to him a certificate that the full duty payable in respect of the property has been paid.

(3) In any case where no account has been delivered as required by section 53 or clause (a) of section 57 the person who is called upon to accept the account prepared by the Controller under sub-section (2) of section 61 shall, within two months of his acceptance or, as the case may be, of the final disposal of the reference made under sub-section (1) of section 64, pay the full duty payable in respect of the property and the Controller shall thereupon grant him a certificate accordingly.

(4) If the person accountable does not pay the amount of duty due from him under sub-section (1) or sub-section (3) within the period specified therein, he shall be liable to a penalty of one thousand rupees or a sum equal to twice the amount due according as the Controller may elect :

Provided that the Controller may in any particular case reduce the penalty.

(5) Where a person accountable for the estate duty in respect of any property passing on a death applies to the Controller at any time and delivers and verifies a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto, the Controller may determine the estate duty payable in respect of the property and on payment of that duty, the Controller shall give him a certificate accordingly.

68. *Commutation of duty in respect of interest in expectancy.*—The Controller in his discretion may, upon application by a person entitled to an interest in expectancy, commute the estate duty which would or might, but for the commutation, become payable in respect of such interest for a certain sum to be presently paid, and, for determining that sum, shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and rate and amount of such duty, and interest being reckoned at three per cent. ; and on the receipt of such sum the Controller shall give a certificate accordingly.

69. *Assessment in complicated cases.*—Where by reason of the number of deaths upon which property has passed or of the complicated nature of the interests of different persons in property which has passed on death, or from any other cause, it is difficult to ascertain exactly the amount of estate duty payable in respect of any property or any interest therein or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Board, on the application of any person accountable for the duty and upon his giving to the Board all the informa-

tion in his power respecting the amount of the property and the several interests therein and other circumstances of the case, may by way of composition for all or any of the duties payable in respect of the property or interest and the various interests therein or any of them, assess such sum on the value of the property or interest, as having regard to the circumstances appears proper, and may accept payment of the sum so assessed in full payment of all claims for estate duty in respect of such property or interest, and shall give a certificate accordingly.

70. *Controller may allow postponement of payment on terms.*—(1) Where the Controller is satisfied that the estate duty leviable in respect of any property cannot, without excessive sacrifice, be raised at once, he may allow payment to be postponed for such period, to such extent, and on payment of such interest not exceeding four per cent. or any higher interest yielded by the property, and on such other terms as he may think fit.

(2) Notwithstanding anything contained in sub-section (1), estate duty in respect of immovable property may at the option of the person accountable be paid in eight equal yearly instalments or sixteen equal half-yearly instalments with interest at the rate of four per cent. per annum or any higher interest yielded by the property from the date on which the first instalment is payable and the interest on the unpaid portion of the duty shall be added to each instalment and paid accordingly; but the duty for the time being unpaid with such interest to the date of payment may be paid at any time and in case where the property is sold shall be paid on the completion of the sale and if not so paid shall be recovered in the manner specified in section 73.

71. *Board may remit duty and interest outstanding after twenty years from death.*—If after the expiration of twenty years from a death upon which estate duty became leviable any such duty remains unpaid, the Board may, if it thinks fit, on the application of any person accountable or liable for such duty or interested in the property, remit the payment of such duty or any part thereof or any interest thereon.

72. *Forms.*—All affidavits, accounts, certificates, statements and forms used for the purposes of this Part of this Act shall be in such form and contain such particulars as may be prescribed by the Board and, if so required by the Board, shall be in duplicate and accounts and statements shall be delivered and verified on oath and by production of books and documents in the manner prescribed by the Board and any person who wilfully fails to comply with the provisions of this section shall be liable to the penalty mentioned in section 56.

73. *Recovery of duty and penalties.*—Any estate duty or deficit duty and any interest or penalty payable under this Act may, on the certificate of the Controller, be recovered from the person liable thereto as if it were an arrear of land revenue by any Collector in any State.

PART VIII —CHARGE OF ESTATE DUTY ON PROPERTY AND FACILITIES FOR RAISING IT

74. *Estate duty a first charge on property liable thereto.*—(1) Subject to the provisions of section 19, the estate duty payable in respect of property movable or immovable, passing on the death of the deceased, shall be a first charge on the immovable property so passing (including agricultural land) in whomsoever it may vest on his death after the debts and incumbrances allowable under Part VI of this Act; and any private transfer or delivery of such property shall be void against any claim in respect of such estate duty.

(2) A rateable part of the estate duty on an estate, in proportion to the value of any beneficial interest in possession in movable property which passes to any person (other than the legal representative of the deceased) on the death of the deceased shall be a first charge on such interest :

Provided that the property shall not be so chargeable as against a *bona fide* purchaser thereof for valuable consideration without notice.

(3) The Controller may release the whole or any part of any property, whether movable or immovable, from charge under this section in such circumstances and on such conditions as he thinks fit.

75. *Discharge from estate duty in certain cases.*—A certificate granted by the Controller under section 67, or by the Board under section 69, shall discharge the property included therein and the grantee so far as regards that property from any further claim for estate duty, but shall not discharge any person or property from estate duty in case of fraud or failure to disclose material facts and shall not affect the duty payable in respect of any property afterwards shown to have passed on the death nor any further duty payable by reason thereof in respect of the property included in the certificate :

Provided nevertheless that a certificate purporting to be a discharge of the whole estate duty payable in respect of any property included in the certificate shall exonerate a *bona fide* purchaser for valuable consideration without notice from the duty notwithstanding any such fraud or failure.

76. *Person accountable to be repaid by trustees and owners in certain cases.*—If a person accountable under section 53 pays any part of the estate duty in respect of any property not passing to him, it shall, where occasion requires, be repaid to him by the trustees or owners of the property.

77. *Facilities for paying duty or raising amount already paid.*—(1) A person authorised or required to pay estate duty in respect of any property shall, for the purposes of paying the duty, or raising the amount of the duty when already paid, have power, whether the property is or is not vested in him, to raise the amount of such duty and any interest and expenses properly paid or incurred by him in respect thereof, by the sale or mortgage of or a terminable charge on that property or any part thereof :

Provided that any sum payable under any such sale, mortgage or terminable charge may be paid (to the extent to which such sum or part thereof represents the estate duty payable), not to the person raising the sum but to the Controller at the option of the person from whom the sum is being raised.

(2) A person having an interest in any property, who pays the estate duty in respect of that property, shall be entitled to the like charge, as the estate duty in respect of that property had been raised by means of a mortgage to him.

(3) Any money arising from the sale of property comprised in a settlement or held upon trust to lay out upon the trusts of a settlement may be expended in paying any estate duty in respect of property comprised in the settlement and held upon the same trusts.

PART IX.—MISCELLANEOUS

78. *Jurisdiction of Courts barred in certain cases.*—No suit shall be brought in any Civil Court to set aside or modify any estate duty determined under this Act and no prosecution, suit or other proceedings shall lie against any officer of Government for anything in good faith done or intended to be done under this Act.

79. Power to take evidence on oath etc.—Every authority specified in sub-section (1) of section 4 other than valuers, shall for the purposes of this Act have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (Act V of 1908) when trying a suit in respect of the following matters, namely :—

(a) enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of documents ;

(c) receiving evidence on affidavit ;

(d) issuing commissions for the examination of witnesses ;

and any proceeding before any such authority under this Act shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code (Act XLV of 1860).

80. Disclosure of information by a public servant.—The provisions of section 54 of the Indian Income-tax Act, 1922 (XI of 1922), shall apply to all accounts, statements, documents, evidence or affidavits, given, produced or obtained in connection with or in the course of the proceedings under this Act :

Provided that nothing in the said section 54 shall apply to the disclosure of any such particulars to any person acting in the execution of this Act or of the Indian Income-tax, 1922 (XI of 1922), where it is necessary or desirable to disclose the same to him for the purposes of either this Act or the said Act.

81. Arrangements with states to supply information.—The Central Government may make arrangements with the Government of any State for exchange of such information as may be necessary for the purposes of levying or realising any estate duty under this Act or under any other law for the time being in force in that State.

82. Service of Notices.—Any notice or requisition under this Act may be served on the person therein named either by post or as if it were a summons issued by a court under the Code of Civil Procedure, 1948 (Act V of 1908).

83. Appearance by authorised representatives.—Any person accountable for estate duty who is entitled or required to attend before any authority specified in sub-section (1) of section 4 in connection with any proceeding under this Act, otherwise than when required under section 79 to attend in person, may attend by a person authorised by him in writing in this behalf, being a relative of or a person regularly employed by that person, or a legal practitioner or a chartered accountant.

Explanation.—In this section—

(a) a person regularly employed by the accountable person shall include any officer of a Scheduled Bank with which the accountable person maintains a current account or has other regular dealings ;

(b) 'legal practitioner' means an advocate, vakil or attorney of any High Court in the territories to which this Act extends and includes a pleader practising in any part of the said territories ;

(c) 'chartered accountant' means a chartered accountant as defined in the Chartered Accountants Act, 1949 (XXXVIII of 1949).

84. Company to furnish particulars of deceased members to the Controller.—(1) Where a company incorporated outside India carries on business in the territories to which this Act extends and has been treated for the purposes of the Indian Income-tax Act, 1922 (XI of 1922), as resident for two out of the three completed assessments immediately preceding, such company shall, within three months of the receipt of intimation of the death of a member dying after the commencement of this Act, furnish

to the Controller such particulars as may be prescribed in respect of the shares of the deceased member in the company, and shall be liable to pay estate duty at the rates mentioned in Part III of the Second Schedule, on the principal value of the shares held by the deceased in the company except in cases where the deceased member was a person domiciled in India and the person accountable has obtained a certificate from the Controller showing that either the estate duty in respect thereof has been paid or will be paid or that none is due, as the case may be.

(2) If any member of a company formed and registered under the Indian Companies Act, 1913 (VII of 1913) dies after the commencement of this Act and the company through any of its principal officers as defined in section 18, has knowledge of the death, it shall not be lawful for the company to register the transfer of any shares standing in the name of the deceased member unless the company is satisfied that the transferee has acquired such shares for valuable consideration or there is produced before it a certificate from the Controller that either the estate duty in respect thereof has been paid or will be paid or none is due, as the case may be.

(3) Any company which fails to comply with the provisions of sub-section (1) or sub-section (2) shall be liable to a penalty of one thousand rupees or a sum equal to double the amount of the estate duty payable according as the Controller may direct :

Provided that the Controller may reduce the penalty in any particular case.

85. Rule-making powers of the Board.—(1) Subject to the condition of previous publication and subject to the control of the Central Government, the Board may make rules not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out the purposes of or giving effect to this Act.

(2) The power to make rules conferred by this section shall, on the first occasion of the exercise thereof, include the power to give retrospective effect to the rules or any of them from a date not earlier than the date of the commencement of this Act.

(3) All rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

THE FIRST SCHEDULE

(See section 5)

States in which estate duty is leviable on agricultural land

Bombay.
Madhya Pradesh.
Orissa.
Punjab.
Uttar Pradesh.
Hyderabad.
Madhya Bharat.
Rajasthan.
Saurashtra.
All Part C States.

	Rate of duty
(1) If the principal value of the shares does not exceed Rs. 5,000 ...	Nil
(2) If the principal value of the shares exceeds Rs. 5,000 ...	7½ per cent.

PART III

ORDINANCES

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 1, Oct. 14, 1953.

The Employees' Provident Funds (Amendment) Ordinance, 1953.

Ordinance No. 1 of 1953

An Ordinance to amend the Employees' Provident Funds Act, 1952.

WHEREAS a Bill to amend the Employees' Provident Funds Act has been introduced in Parliament but has not yet been passed ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to some of the amendments proposed in the said Bill ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1 *Short title and commencement* —(1) This Ordinance may be called the Employees' Provident Funds (Amendment) Ordinance, 1953.

(2) It shall come into force at once.

2. *Amendment of section 2, Act XIX of 1952* —In section 2 of the Employees' Provident Funds Act, 1952 (hereinafter referred to as the principal Act), after clause (i), the following clause shall be inserted, namely :—

“(ia) ‘manufacture’ means making, altering, ornamenting, finishing or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal ;”

3. *Amendment of section 5, Act XIX of 1952*.—Section 5 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

“(2) A Scheme framed under sub-section (1) may provide that any of its provisions shall take effect either prospectively or retrospectively with effect from such date as may be specified in this behalf in the Scheme.”

4. *Amendment of section 13, Act XIX of 1952* —In sub-section (2) of section 13 of the principal Act,—

(a) after the words “have been complied with”, the following shall be inserted, namely :—

“in respect of a factory to which any Scheme applies or for the purpose of ascertaining whether the provisions of this Act or any Scheme are applicable to any factory to which the Scheme has not been applied or for the purpose of determining whether the conditions subject to which exemption was granted under section 17 are being complied with,—” ;

(b) in clause (a), the words “in relation to the Scheme” shall be omitted.

5. *Amendment of section 14, Act XIX of 1952* —In section 14 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) Whoever contravenes or makes default in complying with any provision of this Act or of any condition subject to which exemption was granted under section 17 shall, if no other penalty is elsewhere provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.”

6. *Substitution of new section for section 17 in Act XIX of 1952.*—For section 17 of the principal Act, the following section shall be substituted, namely :—

“17. *Power to exempt.*—(1) The appropriate Government may, by notification in the Official Gazette and subject to such conditions as may be specified in the notification, exempt from the operation of all or any of the provisions of any Scheme—

(a) any factory to which this Act applies if, in the opinion of the appropriate Government, the rules of its provident fund with respect to the rates of contribution are not less favourable than those specified in section 6 and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under this Act or any Scheme in relation to the employees in any other factory of a similar character ; or

(b) any factory if the employees of such factory are in enjoyment of benefits in the nature of provident fund, pension or gratuity and the appropriate Government is of opinion that such benefits, separately or jointly, are on the whole not less favourable to such employees than the benefits provided under this Act or any Scheme in relation to employees in any other factory of a similar character.

Explanation.—The following conditions shall be deemed to be always included in the conditions which may be specified in a notification under clause (a), namely :—

(i) the amount of accumulations in the provident fund shall be invested in such manner as the Central Government may direct ;

(ii) the amount of accumulations to the credit of an employee in the provident fund shall, where he leaves his employment and obtains re-employment in another factory to which this Act applies, be transferred, within such time as may be specified in this behalf by the Central Government, to the credit of his account in the provident fund of the factory in which he is re-employed or, as the case may be, in the Fund established under the Scheme applicable to the factory.

(2) Any Scheme may make provision for exemption of any person or class of persons employed in any factory to which the Scheme applies from the operation of all or any of the provisions of the Scheme, if such person or class of persons is entitled to benefits in the nature of provident fund, gratuity or old age pension and such benefits, separately or jointly, are on the whole not less favourable than the benefits provided under this Act or the Scheme :

Provided that no such exemption shall be granted in respect of a class of persons unless the appropriate Government is of opinion that the majority of persons constituting such class desire to continue to be entitled to such benefits.

(3) Where any person or class of persons employed in a factory is exempted from the operation of all or any of the provisions of any Scheme under sub section (2), the employer in relation to such a factory—

(a) shall, in relation to the provident fund, old age pension and gratuity to which such person or class of persons is entitled, maintain such accounts, submit such returns, make such investments, provide for such facilities for inspection and pay such inspection charges, as the Central Government may direct ; and

(b) shall not, at any time after the exemption, without the leave of the Central Government, reduce the total quantum of benefits in the

nature of old age pension, gratuity or provident fund to which such person or class of persons was entitled at the time of the exemption."

7. *Insertion of new section 19A in Act XIX of 1952.*—After section 19 of the principal Act, the following section shall be inserted, namely :—

"19A. *Power to remove difficulties*—If any difficulty arises in giving effect to the provisions of this Act, and in particular, if any doubt arises as to—

(i) whether a factory is engaged in any industry specified in Schedule I : or

(ii) whether fifty or more persons are employed in a factory ; or

(iii) whether three years have elapsed from the establishment of a factory ; or

(iv) whether the total quantum of benefits to which an employee is entitled has been reduced by the employer ;

the Central Government may, by order, make such provision or give such direction, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the doubt or difficulty ; and the order of the Central Government, in such cases, shall be final."

8. *Substitution of a new Schedule for Schedule I in Act XIX of 1952.*—For Schedule I of the principal Act, the following Schedule shall be substituted, namely :—

"SCHEDULE I

[See sections 2(i) and 4]

Any industry engaged in the manufacture of any of the following :—

Cement.

Cigarettes.

Electrical, mechanical or general engineering products.

Iron and steel.

Paper.

Textiles (made wholly or in part of cotton or wool or jute or silk, whether natural or artificial).

Explanation.—In this Schedule, without prejudice to the ordinary meaning of the expressions used therein,—

(a) the expression 'Electrical, mechanical or general engineering products' includes—

(1) machinery and equipment for the generation, transmission, distribution or measurement of electrical energy and motors including cables and wires,

(2) telephones, telegraph and wireless communication apparatus,

(3) electric lamps (not including glass bulbs),

(4) electric fans and electrical domestic appliances,

(5) storage and dry batteries,

(6) radio receivers and sound reproducing instruments,

(7) machinery used in industry (including textile machinery) other than electrical machinery and machine tools,

(8) boilers and prime movers, including internal combustion engines, marine engines and locomotives,

(9) machine tools, that is to say, metal and wood working machinery,

(10) grinding wheels,

(11) ships,

(12) automobiles and tractors,

(13) bolts, nuts and rivets,

(14) power driven pumps,

(15) bicycles,

- (16) hurricane lanterns,
- (17) sewing and knitting machines,
- (18) mathematical and scientific instruments,
- (19) products of metal rolling and re-rolling,
- (20) wires, pipes, tubes and fittings,
- (21) ferrous and non-ferrous castings,
- (22) safes, vaults and furniture made of iron or steel or steel alloys,
- (23) cutlery and surgical instruments,
- (24) drums and containers,
- (25) parts and accessories of products specified in items 1 to 24;
- (b) the expression 'Iron and Steel' includes pig iron, ingots, blooms, billets and rolled or re-rolled products into basic forms and tool and alloy steel ;
- (c) the expression 'Paper' includes pulp, paper board and straw-board ;
- (d) the expression 'Textiles' includes the products of carding, spinning, weaving, finishing and dyeing yarn and fabrics, printing, knitting and embroidering."

RAJENDRA PRASAD,
President.

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 1, dated Oct. 24, 1953.

The Banking Companies (Amendment) Ordinance, 1953

Ordinance No. 4 of 1953

An Ordinance further to amend the Banking Companies Act, 1949.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement*—(1) This Ordinance may be called the Banking Companies (Amendment) Ordinance, 1953.

(2) It shall come into force at once.

2. *Act X of 1949 to be temporarily amended.*—The Banking Companies Act, 1949 (hereinafter referred to as the principal Act) shall, during the period of operation of this Ordinance, have effect subject to the amendments specified in sections 3 to 13.

3. *Amendment of section 5, Act X of 1949.*—In section 5 of the principal Act, clause (e) of sub-section (1) shall be omitted.

4. *Insertion of new section 36A in Part III in Act X of 1949.*—In Part III of the principal Act, after section 36, the following section shall be inserted, namely :—

"36A *High Court defined*—In this Part and in Part IIIA, 'High Court', in relation to a banking company, means the High Court exercising jurisdiction in the place where the registered office of the banking company is situated or, in the case of a banking company incorporated outside India, where its principal place of business in India is situated".

5. *Substitution of 'High Court', for Court in Part III in Act X of 1949.*—In Part III of the principal Act, for the word "Court", wherever it occurs the words "High Court" shall be substituted.

6. *Amendment of section 37, Act X of 1949.*—In section 37 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) When an application is made under sub-section (1), the High Court may appoint a special officer who shall forthwith take into his custody or under his control all the assets, books, documents, effects and actionable claims to which the banking company is or appears to be entitled and shall also exercise such other powers as the High Court may deem fit to confer on him, having regard to the interests of the depositors of the banking company".

7. *Insertion of new section 38A in Act X of 1949.*—After section 38 of the principal Act, the following section shall be inserted, namely :—

"38A. *Court liquidator.*—(1) There shall be attached to every High Court a court liquidator to be appointed by it for the purpose of conducting all proceedings for the winding up of banking companies and performing such other duties in reference thereto as the High Court may impose.

(2) Where there is a court liquidator attached to a High Court and an order is passed by the High Court for the winding up of any banking company, then, notwithstanding anything contained in section 171A or section 175 of the Indian Companies Act, 1913 (VII of 1913), the court liquidator shall become the official liquidator of the banking company unless the High Court, having regard to the special circumstances obtaining in the case of the banking company and for reasons to be recorded, otherwise directs in the order for the winding up of the banking company.

(3) Where there is a court liquidator attached to a High Court and any proceeding for the winding up of a banking company in which any person other than the Reserve Bank or the court liquidator has been appointed as official liquidator is pending before the High Court immediately before the commencement of the Banking Companies (Amendment) Ordinance, 1953, or the date on which the court liquidator is so attached to the High Court, whichever is later, then, notwithstanding anything contained in section 176 of the Indian Companies Act, 1913 (VII of 1913), the person appointed as official liquidator shall, on such commencement or, as the case may be, on the aforesaid date, be deemed to have vacated his office as such and the vacancy so caused shall be deemed to be filled up by the appointment of the court liquidator as the official liquidator :

Provided that where the High Court is of opinion that the appointment of the court liquidator would be detrimental to the interests of the depositors of the banking company, it may direct the person appointed as the official liquidator to continue to act as such.

(4) Where having regard to the number of banking companies wound up and other circumstances of the case, the Central Government is of opinion that it is not necessary or expedient to attach for the time being a court liquidator to a High Court, it may, from time to time, by notification in the Official Gazette, direct that this section shall not have effect in relation to that High Court".

8. *Amendment of section 39, Act X of 1949*—In section 39 of the principal Act, after the words "Notwithstanding anything contained" the words and figures "in section 39 or" shall be inserted.

9. *Substitution of new sections for section 43 in Act X of 1949.*—For section 43 of the principal Act, the following sections shall be substituted, namely :—

"43. *Booked depositors' credits to be deemed proved.*—In any proceeding

for the winding up of a banking company, every depositor of the banking company shall be deemed to have filed his claim for the amount shown in the books of the banking company as standing to his credit and notwithstanding anything to the contrary contained in section 191 of the Indian Companies Act, 1913 (VII of 1913), the High Court shall presume such claim to have been proved, unless the official liquidator shows that there is reason for doubting its correctness.

43A. *Preferential payment to small depositors.*—(1) In every proceedings for the winding up of a banking company, after the preferential payments referred to in section 230 of the Indian Companies Act, 1913 (VII of 1913) have been made, there shall be paid, to every depositor in the savings bank account of the banking company, a sum of one hundred rupees or the balance at his credit, whichever is less, in priority to all other debts from out of the remaining assets of the banking company available for payment of general creditors.

(2) The aforesaid payments shall rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportion".

10 *Amendment of section 45, Act X of 1949.*—Section 45 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, for the words "as not being detrimental to the interests of the depositors of such company", the words "in writing as not being incapable of being worked and as not being detrimental to the interests of the depositors of such banking company" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Where an application under section 153 of the Indian Companies Act, 1913 (VII of 1913) is made in respect of a banking company, the High Court may direct the Reserve Bank to make an inquiry in relation to the affairs of the banking company and the conduct of its directors and when such a direction is given, the Reserve Bank shall make such inquiry and submit its report to the High Court".

11. *Substitution of new Part for Part IIIA in Act X of 1949.*—For Part IIIA of the principal Act, the following Part shall be substituted, namely:—

"PART IIIA

SPECIAL PROVISIONS FOR SPEEDY DISPOSAL OF WINDING UP PROCEEDINGS

45A. *Part IIIA to override other laws.*—The provisions of this Part and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Indian Companies Act, 1913 (VII of 1913) or the Code of Civil Procedure, 1908 (Act V of 1908) or the Code of Criminal Procedure, 1898 (Act V of 1898) or any other law for the time being in force or any instrument having effect by virtue of any such law but the provisions of any such law or instrument in so far as the same are not varied by, or inconsistent with, the provisions of this Part or rules made thereunder shall apply to all proceedings under this Part.

45B. *Power of High Court to decide all claims in respect of banking companies.*—The High Court shall, save as otherwise expressly provided in section 45C, have exclusive jurisdiction to entertain and decide any claim made by or against a banking company which is being wound up (including claims by or against any of its branches in India) or any application made under section 153 of the Indian Companies Act, 1913 (VII of 1913) by

or in respect of a banking company or any question of priorities or any other question whatsoever, whether of law or fact, which may relate to or arise in the course of the winding up of a banking company, whether such claim or question has arisen or arises or such application has been made or is made before or after the date of the order for the winding up of the banking company or before or after the commencement of the Banking Companies (Amendment) Ordinance, 1953.

45C. *Transfer of pending proceedings.*—(1) Where a winding up order is made or has been made in respect of a banking company, no suit or other legal proceeding, whether civil or criminal, in respect of which the High Court has jurisdiction under this Act and which is pending in any other court immediately before the commencement of the Banking Companies (Amendment) Ordinance, 1953, or the date of the order for the winding up of the banking company, whichever is later, shall be proceeded with except in the manner hereinafter provided.

(2) The official liquidator shall, within three months from the date of the winding up order or the commencement of the Banking Companies (Amendment) Ordinance, 1953, whichever is later, submit to the High Court a report containing a list of all such pending proceedings together with particulars thereof.

(3) On receipt of a report under sub-section (2), the High Court may, if it so thinks fit, give the parties concerned an opportunity to show cause why the proceedings should not be transferred to itself and after making an inquiry in such manner as may be provided by rules made under section 45U, it shall make such order as it deems fit transferring to itself all or such of the pending proceedings as may be specified in the order and such proceedings shall thereafter be disposed of by the High Court.

(4) If any proceeding pending in a court is not so transferred to the High Court under sub-section (3), such proceeding shall be continued in the court in which the proceeding was pending.

(5) Nothing in this section shall apply to any proceeding pending in appeal before the Supreme Court or a High Court.

45D. *Settlement of list of debtors.*—Notwithstanding anything to the contrary contained in any law for the time being in force, the High Court may settle in the manner hereinafter provided a list of debtors of the banking company which is being wound up.

(2) Subject to any rules that may be made under section 52, the official liquidator shall, within six months from the date of the winding up order or the commencement of the Banking Companies (Amendment) Ordinance, 1953, whichever is later, from to time, file to the High Court lists of debtors containing such particulars as are specified in the Fourth Schedule :

Provided that such lists may, with the leave of the High Court, be filed after the expiry of the said period of six months

(3) On receipt of any list under sub-section (2), the High Court shall, wherever necessary, cause notices to be issued to all persons affected and after making an inquiry in such manner as may be provided by rules made under section 45U, it shall make an order settling the list of debtors :

Provided that nothing in this section shall debar the High Court from settling any such list in part as against such of the persons whose debts have been settled without settling the debts of all the persons placed on the list.

(4) At the time of the settlement of any such list, the High Court shall pass an order for the payment of the amount due by each debtor and

make such further orders as may be necessary in respect of the relief claimed, including reliefs against any guarantor or in respect of the realisation of any security.

(5) Every such order shall, subject to the provisions for appeal, be final and binding for all purposes as between the banking company on the one hand and the person against whom the order is passed and all persons claiming through or under him on the other hand, and shall be deemed to be a decree in a suit.

(6) In respect of every such order, the High Court shall issue a certificate specifying clearly the reliefs granted and the names and descriptions of the parties against whom such reliefs have been granted, the amount of costs awarded and by whom, and out of what funds and in what proportion, such costs are to be paid; and every such certificate shall be deemed to be a certified copy of the decree for all purposes including execution.

(7) At the time of settling the list of debtors or at any other time prior or subsequent thereto, the High Court shall have power to pass any order in respect of a debtor on the application of the official liquidator for the realisation, management, protection, preservation or sale of any property given as security to the banking company and to give such powers to the official liquidator to carry out the aforesaid directions as the High Court thinks fit.

(8) The High Court shall have power to sanction a compromise in respect of any debt and to order the payment of any debt by instalments.

(9) In any case in which any such list is settled *ex parte* as against any person, such person may, within thirty days from the date of the order settling the list, apply to the High Court for an order to vary such list, so far as it concerns him, and if the High Court is satisfied that he was prevented by any sufficient cause from appearing on the date fixed for the settlement of such list and that he has a good defence to the claim of the banking company on merits, the High Court may vary the list and pass such orders in relation thereto as it thinks fit:

Provided that the High Court may, if it so thinks fit, entertain the application after the expiry of the said period of thirty days.

(10) Nothing in this section shall—

(a) apply to a debt which has been secured by a mortgage of immovable property, if a third party has any interest in such immovable property; or

(b) prejudice the rights of the official liquidator to recover any debt due to a banking company under any other law for the time being in force.

45E. *Special provisions to make calls on contributories.*—Notwithstanding that the list of the contributories has not been settled under section 184 of the Indian Companies Act, 1913 (VII of 1913), the High Court may, if it appears to it necessary or expedient so to do, at any time after making a winding up order, make a call on and order payment thereof by any contributory under sub-section (1) of section 187 of the Indian Companies Act, 1913, if such contributory has been placed on the list of contributories by the official liquidator and has not appeared to dispute his liability.

45F. *Documents of banking company to be evidence.*—(1) Entries in the books of account or other documents of a banking company which is being wound up shall be admitted in evidence in all proceedings by or against the banking company; and all such entries may be proved either by the production of the books of account or other documents of the banking company containing such entries or by the production of a copy of the entries, certified by the official liquidator under his signature and

stating that it is a true copy of the original entries and that such original entries are contained in the books of account or other documents of the banking company in his possession.

(2) Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872 (I of 1872), all such entries in the books of account or other documents of a banking company shall, as against the directors of the banking company in respect of which the winding up order has been made before the commencement of the Banking Companies (Amendment) Ordinance, 1953, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

45G. *Public examination of directors and auditors.*—(1) Where an order has been made for the winding up of a banking company, the official liquidator shall submit a report whether in his opinion any loss has been caused to the banking company since its formation by any act or omission (whether or not a fraud has been committed by such act or omission) of any person in the promotion or formation of the banking company or of any director or auditor of the banking company.

(2) If, on consideration of the report submitted under sub-section (1), the High Court is of opinion that any person who has taken part in the promotion or formation of the banking company or has been a director or an auditor of the banking company should be publicly examined, it shall hold a public sitting on a date to be appointed for that purpose and direct that such person, director or auditor shall attend thereat and shall be publicly examined as to the promotion or formation or the conduct of the business of the banking company, or as to his conduct and dealings, in so far as they relate to the affairs of the banking company.

(3) The official liquidator shall take part in the examination and for that purpose may, if specially authorised by the High Court in that behalf, employ such legal assistance as may be sanctioned by the High Court.

(4) Any creditor or contributory may also take part in the examination either personally or by any person entitled to appear before the High Court.

(5) The High Court may put such questions to the person examined as it thinks fit.

(6) The person examined shall be examined on oath and shall answer all such questions as the High Court may put or allow to be put to him.

(7) A person ordered to be examined under this section may, at his own cost, employ any person entitled to appear before the High Court who shall be at liberty to put to him such questions as the High Court may deem just for the purpose of enabling him to explain or qualify any answers given by him :

Provided that if he is, in the opinion of the High Court, exculpated from any charges or suggestions made against him, the High Court may allow him such costs in its discretion as it may deem fit.

(8) Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined and may thereafter be used in evidence against him in any proceeding, civil or criminal, and shall be open to the inspection of any creditor or contributory at all reasonable times.

(9) Where on such examination, the High Court is of opinion (whether a fraud has been committed or not)—

(a) that a person who has been a director of the banking company is not fit to be a director of a company, or

(b) that a person who has been or auditor of the banking company or

a partner of a firm acting as such auditor is not fit to act as an auditor of a company or to be a partner of a firm acting as such auditor, the High Court may make an order that that person shall not, without the leave of the High Court, be a director of, or in any way, whether directly or indirectly, be concerned or take part in the management of any company or, as the case may be, act as an auditor of, or be a partner of a firm acting as auditors of, any company for such period not exceeding five years as may be specified in the order.

45H. *Special provisions for assessing damages against delinquent directors, etc.*—(1) Where an application is made to the High Court under section 235 of the Indian Companies Act, 1913 (VII of 1913) against any promoter, director, manager, liquidator or officer of a banking company for repayment or restoration of any money or property and the applicant makes out a *prima facie* case against such person, the High Court shall make an order against such person to repay and restore the money or property unless he proves that he is not liable to make the repayment or restoration either wholly or in part :

Provided that where such an order is made jointly against two or more such persons, they shall be jointly and severally liable to make the repayment or restoration of the money or property.

(2) Where an application is made to the High Court under section 235 of the Indian Companies Act, 1913 (VII of 1913) and the High Court has reason to believe that a property belongs to any promoter, director, manager, liquidator or officer of the banking company, whether the property stands in the name of such person or any other person as the ostensible owner, then, the High Court may, at any time, whether before or after making an order under sub-section (1), direct the attachment of such property, or such portion thereof, as it thinks fit and the property so attached shall remain subject to attachment unless the ostensible owner can prove to the satisfaction of the High Court that he is the real owner and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) relating to attachment of property shall, as far as may be, apply to such attachment.

45I. *Duty of directors and officers of banking company to assist in the realisation of property.*—Every director or other officer of a banking company which is being wound up shall give such assistance to the official liquidator as he may require in the realisation and distribution of the property of the banking company and if the director or other officer fails to do so, he shall be guilty of contempt of court.

45J. *Special provisions for punishing offences in relation to banking companies being wound up.*—(1) The High Court may, if it thinks fit, take cognizance of and try in a summary way any offence alleged to have been committed by any person who has taken part in the promotion or formation of the banking company which is being wound up or by any director, manager or officer thereof :

Provided that the offence is one punishable under this Act or under the Indian Companies Act, 1913 (VII of 1913).

(2) When trying any such offence as aforesaid, the High Court may also try any other offence not specified under sub-section (1) which is an offence with which the accused may, under the Code of Criminal Procedure, 1898 (Act V of 1898), be charged at the same trial.

(3) In any case tried summarily under sub-section (1), the High Court—

(a) need not summon any witness, if it is satisfied that the evidence of such witness will not be material;

(b) shall not be bound to adjourn a trial for any purpose unless such adjournment is, in the opinion of the High Court, necessary in the interests of justice ;

(c) shall, before passing any sentence, record judgment embodying the substance of the evidence and also the particulars specified in section 263 of the Code of Criminal Procedure, 1898 (Act V of 1898), so far as that section may be applicable ;
and nothing contained in sub-section (2) of section 262 of the Code of Criminal Procedure, 1898, shall apply to any such trial.

(4) All offences in relation to winding up alleged to have been committed by any person specified in sub-section (1) which are punishable under this Act or under the Indian Companies Act, 1913 (VII of 1913) and which are not tried in a summary way under sub-section (1) shall, notwithstanding anything to the contrary contained in that Act or the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law for the time being in force, be taken cognizance of and tried by a Judge of the High Court other than the Judge for the time being dealing with the proceedings for the winding up of the banking company.

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898 (Act V of 1898) the High Court may take cognizance of any offence under this section without the accused being committed to it for trial and all such trials shall be without the aid of a jury.

45K. *Power of High Court to enforce schemes of arrangement, etc.*—(1) Where a High Court makes an order under section 153 of the Indian Companies Act, 1913 (VII of 1913) sanctioning a compromise or arrangement in respect of a banking company, it shall have power to supervise the carrying out of the compromise or arrangement and may at the time of making such order or at any time thereafter give such directions in regard to any matter or make such modifications in the compromise or arrangement, as it may consider necessary for the proper working of the compromise or arrangement.

(2) If the High Court is satisfied that a compromise or arrangement sanctioned under section 153 of the Indian Companies Act, 1913 (VII of 1913) cannot be worked satisfactorily with or without modifications, it may, either on its own motion or on the application of any person interested in the affairs of the banking company, make an order winding up the banking company and such an order shall be deemed to be an order made under section 162 of the Indian Companies Act, 1913.

(3) The provisions of this section shall, so far as they may, apply to a banking company in respect of which an order under section 153 of the Indian Companies Act, 1913 (VII of 1913) sanctioning a compromise or arrangement has been made before the commencement of the Banking Companies (Amendment) Ordinance, 1953.

45L. *Public examination of directors and auditors, etc., in respect of a banking company under schemes of arrangement*—(1) Where an application for sanctioning a compromise or arrangement in respect of a banking company is made under section 153 of the Indian Companies Act, 1913 (VII of 1913) or where such sanction has been given and the High Court is of opinion, whether on a report of the Reserve Bank or otherwise, that any person who has taken part in the promotion or formation of the banking company or has been a director or auditor of the banking company should be publicly examined, it may direct such examination of such person and the provisions of section 45G shall, as far as may be, apply to the banking

company as they apply to a banking company which is being wound up.

(2) Where a compromise or arrangement is sanctioned under section 153 of the Indian Companies Act, 1913 (VII of 1913) in respect of a banking company, the provisions of section 235 of the said Act and of section 45H of this Act shall, as far as may be, apply to the banking company which is being wound up as if the order sanctioning the compromise or arrangement were an order for the winding up of the banking company.

45M. *Special provisions for banking companies working under schemes of arrangement at the commencement of the Ordinance.*—Where any compromise or arrangement sanctioned in respect of a banking company under section 153 of the Indian Companies Act, 1913 (VII of 1913) is being worked at the commencement of the Banking Companies (Amendment) Ordinance, 1953, the High Court may, if it so thinks fit, on the application of such banking company,—

(a) excuse any delay in carrying out any of the provisions of the compromise or arrangement ; or

(b) allow the banking company to settle the list of its debtors in accordance with the provisions of section 45D and in such a case, the provisions of the said section shall, as far as may be, apply to the banking company as they apply to a banking company which is being wound up as if the order sanctioning the compromise or arrangement were an order for the winding up of the banking company.

45N. *Appeals.*—(1) An appeal shall lie from any order or decision of the High Court under this Act when the amount or value of the subject-matter of the claim exceeds five thousand rupees.

(2) The High Court may by rules provide for an appeal against any order made under section 45J and the conditions subject to which any such appeal would lie.

(3) Subject to the provisions of sub section (1) and sub-section (2) and notwithstanding anything contained in any other law for the time being in force, every order or decision of the High Court shall be final and binding for all purposes as between the banking company on the one hand, and all persons who are parties thereto and all persons claiming through or under them or any of them, on the other hand.

45O. *Special period of limitation*—(1) Notwithstanding anything to the contrary contained in the Indian Limitation Act, 1908 (IX of 1908) or in any other law for the time being in force, in computing the period of limitation prescribed for a suit or application by a banking company which is being wound up, the period commencing from the date of the presentation of the petition for the winding up of the banking company shall be excluded.

(2) Notwithstanding anything to the contrary contained in the Indian Limitation Act, 1908 (IX of 1908) or section 235 of the Indian Companies Act, 1913 (VII of 1913) or in any other law for the time being in force, there shall be no period of limitation for the recovery of arrears of calls from any director of a banking company which is being wound up or for the enforcement by the banking company against any of its directors of any claim based on a contract, express or implied ; and in respect of all other claims by the banking company against its directors, the period of limitation shall be twelve years from the date of the accrual of such claims.

(3) The provisions of this section shall, as far as may be, apply to a banking company in respect of which a petition for the winding up has been presented before the commencement of the Banking Companies (Amendment) Ordinance, 1953.

45P. *Reserve Bank to tender advice in winding up proceedings.*—Where in any proceeding for the winding up of a banking company in which any person other than the Reserve Bank has been appointed as the official liquidator and the High Court has directed the official liquidator to obtain the advice of the Reserve Bank on any matter (which it is hereby empowered to do), it shall be lawful for the Reserve Bank to examine the record of any such proceeding and tender such advice on the matter as it may think fit.

45Q. *Power to inspect.*—(1) The Reserve Bank shall, on being directed so to do by the Central Government or by the High Court, cause an inspection to be made by one or more of its officers of a banking company which is being wound up and its books and accounts.

(2) On such inspection, the Reserve Bank shall submit its report to the Central Government and the High Court.

(3) If the Central Government, on consideration of the report of the Reserve Bank, is of opinion that there has been a substantial irregularity or breach of duty in the winding up proceedings, it may bring such irregularity to the notice of the High Court for such action as the High Court may think fit.

(4) On receipt of the report of the Reserve Bank under sub-section (2) or on any irregularity being brought to its notice by the Central Government under sub-section (3), the High Court may, if it deems fit, after giving notice to and hearing the Central Government in regard to the report, give such directions as it may consider necessary.

45R. *Power to call for returns and information.*—The Reserve Bank may, at any time by a notice in writing, require the liquidator of a banking company to furnish it, within such time as may be specified in the notice or such further time as the Reserve Bank may allow, any statement or information relating to or connected with the winding up of the banking company; and it shall be the duty of every liquidator to comply with such requirements.

Explanation.—For the purposes of this section and section 45Q, a banking company working out a compromise or arrangement but prohibited from receiving fresh deposits, shall, as far as may be, be deemed to be a banking company which is being wound up.

45S. *Chief presidency magistrate and district magistrate to assist official liquidator in taking charge of property of banking company being wound up.*—(1) For the purpose of enabling the official liquidator or the special officer appointed under sub-section (3) of section 37 to take in his custody or under his control, all property, effects and actionable claims to which a banking company, which has been ordered to be wound up, is or appears to be entitled, the official liquidator or the special officer, as the case may be, may request in writing the chief presidency magistrate or the district magistrate, within whose jurisdiction any property, books of account or other documents of such banking company may be situate or is to be found, to take possession thereof, and the chief presidency magistrate or the district magistrate, as the case may be, shall, on such request being made to him, take possession of such property, books of account or other documents and forward them to the official liquidator or the special officer.

(2) For the purpose of securing compliance with the provisions of sub-section (1), the chief presidency magistrate or the district magistrate may take or cause to be taken such steps and use or cause to be used such force as may, in his opinion, be necessary.

45T. *Enforcement of orders and decisions of High Court.*—(1) All orders made in any civil proceeding by a High Court may be enforced in the same manner in which decrees of such court made in any suit pending therein may be enforced.

(2) Notwithstanding anything to the contrary contained in the Code of Civil Procedure, 1908 (Act V of 1908), a liquidator may apply for the execution of a decree by a court other than the one which made it on production of a certificate granted under sub-section (6) of section 45D and on his certifying to such other court in writing the amount remaining due or relief remaining unenforced under the decree.

(3) Without prejudice to the provisions of sub-section (1) or sub-section (2), any amount found due to the banking company by an order or decision of the High Court may, with the leave of the High Court, be recovered in the same manner as an arrear of land revenue.

45U. *Power of High Court to make rules.*—The High Court may make rules consistent with this Act and the rules made under section 52 prescribing—

(a) the manner in which inquiries and proceedings under Part III or Part IIIA may be held ;

(b) the offences which may be tried summarily;

(c) the authority to which and the conditions subject to which appeals may be preferred and the manner in which such appeals may be filed and heard.

(d) any other matter for which provision has to be made for enabling the High Court to effectively exercise its functions under the Act.

45V. *Part II not to apply to banking companies being wound up.*—Nothing contained in Part II shall apply to a banking company which is being wound up.

45W. *Validation of certain proceedings*—Notwithstanding anything contained in section 45B or any other provision of this Part or in section 11 of the Banking Companies (Amendment) Act, 1950 (XX of 1950), no proceeding held, judgment delivered or decree or order made before the commencement of the Banking Companies (Amendment) Ordinance, 1953, by any court other than the High Court in respect of any matter over which the High Court has jurisdiction under this Act shall be invalid or be deemed ever to have been invalid merely by reason of the fact that such proceeding, judgment, decree or order was held, delivered or made by a court other than the High Court."

12. *Amendment of section 52, Act X of 1949.*—In section 52 of the principal Act,—

(a) to sub-section (2), the following shall be added, namely :—

"and the form in which the official liquidator may file lists of debtors to the Court having jurisdiction under Part III or Part IIIA and the particulars which such lists may contain and any other which matter has to be, or may be, prescribed";

(b) after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) The Central Government may by rules made under this section annul, alter or add to, all or any of the provisions of the Fourth Schedule."

13. *Insertion of new Schedule in Act X of 1949.*—After the Third Schedule to the principal Act, the following Schedule shall be inserted, namely :—

"THE FOURTH SCHEDULE

[See section 45D (2)]

LIST OF DEBTORS

1. The official liquidator shall from time to time submit lists of debtors to the High Court, each list being verified by an affidavit.
2. Every such list shall contain the following particulars :—
 - (a) names and addresses of the debtors ;
 - (b) amount of debt due to the banking company by each debtor ;
 - (c) rate of interest, if any, and the date up to which such interest has been calculated in the case of each debtor ;
 - (d) description of papers, writings and documents, if any, relating to each debt ;
 - (e) relief or reliefs claimed against each debtor.
3. (a) In every such list, the official liquidator shall distinguish between the debts for which the banking company holds any security other than a personal security and the debts for which no security or only a personal security is given ;
 - (b) In the case of secured debts, particulars of the securities claimed by the banking company, and whenever possible their estimated value, and the names and addresses of person or persons, if any, having an interest in the securities or the right of redemption therein ;
 - (c) In case the debt is guaranteed by any person or persons, the name and address of the guarantor or guarantors with particulars as to the extent to which the debt is guaranteed and description of documents, papers or writings in support of such guarantee.
4. If the debtor is adjudged insolvent either before or after he has been included in any such list, but before such list is settled, the name and address of the assignee or the receiver of his estate, as the case may be, should be stated in, or added to, the list.
5. If the original debtor dies either before or after he has been included in any such list, but before such list is settled, there shall be substituted in his place the names and address of his legal representatives as far as the official liquidator is able to ascertain."

RAJENDRA PRASAD,
President.

PART IV

DELHI AND AJMER ACTS

The Ajmer Prevention of Prostitution Act, 1953.

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 7th April, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 18th April 1953.

Act No. I of 1953.

An Act for the prevention of prostitution in the State of Ajmer

BE it enacted by the Legislative Assembly of the State of Ajmer as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Ajmer Prevention of Prostitution Act, 1953.

(2) It extends to the whole of the State of Ajmer.

(3) This section shall come into force at once ; and the Chief Commissioner of the State of Ajmer (hereinafter referred to as the Chief Commissioner) may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in such area and on such date, as may be specified in the notification.

2. *Interpretation.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “brothel” means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purpose of prostitution and includes—

(i) Where any house, room or place, or any part thereof is divided into cubicles by any means including cloth or canvass curtains, or wooden, cement, corrugated iron, asbestos or brick partitions and such cubicles are used for the purposes of prostitution, every such cubicle used for such purposes whether by one or by more than one person ;

(ii) any room or place or any part thereof which is used for the purposes of prostitution, whether by one or by more than one person, and the floor area of which is less than one hundred square feet and the cubic area of which is less than one thousand cubic feet ;

(iii) a self-contained flat used for the purposes of prostitution by more than one person, whether as independent tenants of different rooms or parts therein or otherwise ;

(b) “place of public amusement” means any place, enclosure, building, tent booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game or the means of carrying on the same is provided, and to which the public are admitted, either on payment of money, or with the intention that money may be collected from those admitted ; and includes a race-course, circus, theatre, cinema, music hall, billiard room, bagatelle-room, gymnasium, fencing school or dancing school ;

(c) “place of public entertainment” means any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ; and includes a refreshment-room, eating house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop ;

(d) “prostitution” means promiscuous sexual intercourse for hire ;

(e) “Vigilance Home” means a corrective institution established or

recognised by the Chief Commissioner, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of offences under this Act.

(2) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. *Soliciting*.—Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,—

(a) by words, gestures, wilful and indecent exposure of his person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or carnal intercourse or any act of gross indecency, or

(b) shall solicit or molests any person or loiters for the purpose of prostitution, or carnal intercourse, or any act of gross indecency, shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

4. *Prostitutes in places of public amusement*.—Whoever being the keeper of any place of public amusement or entertainment, Turkish bath, massage establishment, beauty parlour, manicure room, pedicure room, knitting room, embroidery room or other similar place by whatever name or description known, knowingly permits prostitutes, or persons of notoriously bad character, for the purposes of their trade to meet or remain in such place, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees or with both.

5. *Living on the earnings of prostitution*.—(1) Any person not below the age of 16 years who knowingly lives, wholly or in part, on the earnings of prostitution of another person shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

(2) Where any person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, or to be keeping or managing or assisting in the management of a brothel, it shall be presumed until the contrary is proved, that he is knowingly living on the earnings of prostitution.

6. *Procuration*.—Any person who procures or attempts to procure any woman or girl, whether with or without her consent, for the purposes of prostitution, or who with intent that she may with purposes of prostitution become the inmate of or frequent a brothel, persuades woman or girl to leave her usual place of abode, shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

7. *Importing women or girl for prostitution*.—Any person who brings or attempts to bring any woman or girl, whether a prostitute or not, for the purposes of prostitution, shall be punishable with imprisonment which may extend to three years or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

8. *Unlawful detention for prostitution*.—(1) Whoever detains any woman or girl against her will,—

(a) in any house, room or place in which the business of prostitution is carried on, or

(b) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether any particular man or generally, shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

(2) Where a woman or girl is in any house, room or place in which the business of prostitution is carried on or is in or upon any premises for the purpose of having sexual intercourse referred to in clause (b) of sub-section (1), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

(3) No Civil suit shall lie and no proceedings, whether civil or criminal, shall be taken against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

9. *No punishment of whipping under sections 5 to 8 for females.*— Nothing in sections 5, 6, 7, and 8 shall render a female liable to be punished with whipping.

10. *Removal of prostitutes.*—(1) The District Magistrate may at any time cause a notice to be served upon any person who occupies or manages or acts or assists in the management of, or upon any woman who resides in, uses or frequents, any house, room, or place in which the business of the prostitution is carried on, requiring such person or woman after a date to be mentioned in the notice, which shall not be less than seven days from the date of the notice, not to reside in, or frequent any street or place specified in the notice, or directing such person or woman, after a date to be mentioned and fixed as aforesaid to remove himself or herself to some specified area in the State of Ajmer or outside the said State, and by such route or routes and within such time as the District Magistrate shall prescribe.

(2) Before an order is passed against any person under sub-section (1), the District Magistrate shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The District Magistrate may also examine any witnesses produced by such person. Any written statement made by such person shall be filed with the record.

Such person shall be entitled to appear before the District Magistrate by a legal practitioner for the purpose of explaining the allegations against him and examining the witnesses produced by him.

(3) The District Magistrate may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1) exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898 (V of 1898).

(4) If any person or woman so directed under sub-section (1) fails or refuses to remove himself or herself as directed within the time specified, the District Magistrate may cause such person or woman to be arrested and removed in police custody to the place specified or outside the State.

(5) No direction under the second alternative in sub-section (1) shall be made without the previous sanction of the Chief Commissioner.

(6) Any person on whom a notice under this section shall have been served, disobeying the requisition therein contained, shall be punishable with imprisonment which may extend :—

(a) in the case of a first offence to one month, and

(b) in the case of a second or subsequent offence to three months.

(7) Whoever, within two years from the date of his removal under the provisions of this section, returns to the area from which he was removed or to the State of Ajmer, as the case may be, without the permission in writing of the District Magistrate, shall be punishable with imprisonment which may extend to two years or with fine or with both.

11. *Prostitution in vicinity of public places* — Whoever carries on the business of prostitution in any premises,—

(a) which are adjacent or opposite to, or within a distance of one hundred and fifty yards of, any place of public religious worship, educational institution, public park, public playground, cinema, theatre or railway station, or on a thoroughfare, or

(b) which are notified in this behalf by the District Magistrate, in the manner prescribed by rules made by the Chief Commissioner, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees or with both.

12. *Detention in Vigilance Home* —(1) Any Court convicting a woman or girl of an offence punishable under this Act may, in lieu of passing a sentence of imprisonment, pass a sentence of detention in a Vigilance Home for a term which shall not exceed the maximum period for which she could have been sentenced for such offence.

(2) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898 (V of 1898), a sentence of detention for any period passed under sub-section (1) shall be deemed to be a sentence of imprisonment for the like period.

13. *Arrest without warrant*.—(1) Any police officer not below the rank of a Sub-Inspector of Police, and, if the offence is committed in his view, any police officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing any offence punishable under section 3.

(2) Any police officer may, without an order from a magistrate and without a warrant, arrest any person who has been concerned in any offence punishable under section 8 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that section or of his having committed an offence under section 10, sub-section (7).

14. *Offences triable by certain Magistrates only* — Offences punishable under sections 5, 6, 7, and 8 shall be triable by the Courts of Session and Stipendiary Magistrates of the First Class only.

15. *Delegation of powers*.—The Chief Commissioner may, by notification in the Official Gazette, authorise any Sub Divisional Magistrate to exercise within his sub-division all or any of the powers conferred by this Act on the District Magistrate.

16. Power to make rules.—The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the management of Vigilance Homes and the appointment, powers and duties of officials in such Homes ;

(b) the care, treatment, maintenance, training, instruction and control of the inmates of such Homes ;

(c) visits to, and communications with, such inmates ;

(d) the temporary detention of women or girls sentenced to detention in Vigilance Homes until arrangements are made for sending them to such Homes .

Provided that no woman or girl shall be detained in the custody of any person or body of a religious persuasion different from hers ;

(e) the transfer of woman or girls from one Vigilance Home to another ;

(f) the transfer from Vigilance Homes to prisons of women or girls found to be incorrigible or exercising a bad influence and the period of their detention in such prisons ;

Provided that the period of detention in prison together with the period of detention in Vigilance Home, shall not exceed the maximum period for which the inmate could have been sentenced for the offence in respect of which she was convicted ;

(g) the transfer to Vigilance Homes of women or girls sentenced under this Act and the period of their detention in such Homes ;

(h) the discharge of inmates from Vigilance Homes either absolutely or subject to the conditions, and their arrest in the event of a breach of such conditions ;

(i) the grant of permission to inmates to absent themselves for short periods ;

(j) the application of the provisions of the Prisons Act, 1894 (IX of 1894), the Prisoners Act, 1900 (III of 1900), and the rules made under those Acts, to Vigilance Homes and their inmates, subject to such adaptations, alterations and exceptions as may be specified.

3. In making rules under sub-section (1) or sub-section (2), the Chief Commissioner may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

The Ajmer Primary Education Act, 1952.

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 5th March, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 11th April 1953.

Act No II of 1952

An Act to provide for the compulsory attendance of children at recognised schools in the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Ajmer Primary Education Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) This section and section 2 shall come into force at once ; and the remaining provisions of this Act shall come into force on such date as the Chief Commissioner may by notification appoint.

2. Interpretation.—(1) In this Act, unless there is anything repugnant in the subject or context—

(a) “Chief Commissioner” means the Chief Commissioner of the State ;

(b) “compulsory scholar” means any child whose guardian is required by section 6 to cause its attendance at a recognised school ;

(c) “guardian” means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority ;

(d) “notification” means a notification in the Official Gazette ;

(e) “prescribed” means prescribed by rules made under this Act ;

(f) “primary course” or “primary education” means such course or education as may be prescribed ;

(g) “recognised school” means a school or department of a school maintained or aided by the State for imparting primary education ;

(h) “school age” means such age, not being under 6 years or over 11 years, as may from time to time be prescribed with reference to children in respect of any local area ;

(i) “State” means the State of Ajmer.

(2) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act, as it applies for the interpretation of a Central Act.

3. Introduction of compulsory primary education.—(1) The Chief Commissioner may by notification (hereinafter referred to as the specified notification) declare that primary education shall be compulsory within such area, and with effect from such date, as may be specified in the notification for all children of school age ; and thereupon the provisions of sections 4 to 12 (both inclusive) shall take effect within such area.

(2) The Chief Commissioner may by notification cancel or suspend the operation of any specified notification.

4. Power to exempt any person or class of persons from effect of specified notification.—The Chief Commissioner may by order in writing exempt any person or class of persons from the effect of a specified notification.

5. Fees not to be levied—No fee shall be levied at a recognised school from any child to whom a specified notification applies.

6. Responsibility of guardian to cause child of school-age to attend school.—(1) In any area to which a specified notification relates, it shall be the duty of the guardian of every child of school-age resident in such area and affected by such notification, to cause such child to attend a recognised school in such area, unless there be a reasonable excuse for its non-attendance :

Provided that no child who has completed the primary course or a course recognised by the Chief Commissioner as equivalent thereto shall be required so to attend.

(2) The Chief Commissioner shall by order in writing specify the days in each month and the hours in each day for which such child shall be required to attend such school ; and no such child shall be deemed to have attended such school within the meaning of this section unless he has attended the days and the hours so specified.

7. Reasonable excuses for non-attendance.—A reasonable excuse for non-attendance shall include—

(a) that there is no recognised school within a distance of two miles by the nearest route from the residence of the child ; or

(b) that there is no recognised school within a distance of two miles by the nearest route from the residence of the child except a school in which any religious observance or religious instruction of a nature not approved by the guardian is compulsory ; or

(c) that the child is receiving instruction in some other manner declared to be satisfactory by a prescribed officer or authority ; or

(d) that the child has been granted temporary leave of absence from school for sickness, infirmity or other sufficient reason in accordance with the rules made under this Act ; or

(e) that the child is unfit to attend school by reason of some physical or mental defect ; or

(f) that the child is exempt from attendance on any other prescribed ground.

8. *Warning.*—Whenever the headmaster of a recognised school has reason to believe that the guardian of a compulsory scholar is not causing the scholar to attend the school in accordance with the provisions of this Act, or that any person is employing a compulsory scholar during the specified hours of attendance at school, the headmaster shall warn the guardian or person, in such manner as may be prescribed, to cause such scholar to attend school or to discontinue the employment of such scholar, as the case may be, within a week after the receipt of such warning.

9. *Penalty for neglect by guardian*—If any guardian or person fails to comply with the provisions of section 8 after receiving due warning under section 8, he shall be punishable with fine which may extend to fifty rupees.

10. *Cognizance of offences.*—No court shall take cognizance of an offence under section 9 except on the complaint of a person authorised, generally or specially in this behalf by order in writing by the Chief Commissioner in respect of the whole or any part of the area to which the specified notification relates.

11. *Certain persons to be public servants*—All persons duly authorised under section 10 to make complaints under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

12. *Protection of action taken in good faith*—No suit, prosecution or other legal proceeding shall lie against Government or any authority or person in respect of any thing done or intended to be done by it or him in good faith in pursuance of this Act or of any rule or order made thereunder.

13. *Delegation of powers*—The Chief Commissioner may, by notification, authorise any officer or person to exercise any one or more of the powers vested in him by this Act, except the power to make rules, and may, in like manner, withdraw such power or powers.

14. *Power to make rules*—The Chief Commissioner may by notification make rules, not inconsistent with this Act, to carry out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed :

(b) the conditions under which leave may be granted to compulsory scholars under section 7(d) and the authority competent to grant such leave.

(3) The power to make rules conferred by this section shall be subject to the condition of previous publication.

The Ajmer Official Language Act, 1952.

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 14th March, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 11th April 1953.

Act No IV of 1952.

An Act to provide for the adoption of Hindi in Devanagari script as the Language to be used for the official purposes of the State of Ajmer.

Enacted by the Legislative Assembly of the State of Ajmer as follows :—

1. *Short title, extent, commencement and interpretation.*—(1) This Act may be called the Ajmer Official Language Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) Section 1 shall come into force at once ; and section 2 shall come into force on such date as the Chief Commissioner may by notification in the Official Gazette appoint, and different dates may be appointed for different Official purposes of the State :

Provided that the date or dates so appointed shall not be later than seven years from the date on which section 1 comes into force.

(4) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

2. *Official Language.*—(1) Subject to the provisions of Articles 346, 347 and 348 of the Constitution of India, the language to be used for the official purposes of the State shall be Hindi in Devanagari script with the international form of Indian numerals.

(2) Nothing in this Act shall be deemed to affect the provisions of section 33 of the Government of Part C States Act, 1951 (XLIX of 1951).

The Ajmer (Sound Amplifiers Control) Act, 1952.

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 9th March, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 11th April 1953.

Act No. III of 1952.

An Act to control the use of Sound Amplifiers in the State of Ajmer.

Enacted by the Legislative Assembly of the State of Ajmer as follows :—

1. *Short title, extent, commencement and interpretation.*—(1) This Act may be called the Ajmer (Sound Amplifiers Control) Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) This section shall come into force at once ; and the remaining provisions of this Act shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint, but different dates may be appointed for different areas of the State of Ajmer.

(4) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

2. *Prohibition of unauthorised use of sound Amplifiers.*—No person shall use in any place, whether public or otherwise, any sound amplifier except at such times and places and subject to such conditions as shall from time to time be allowed, by order in writing either generally or in any case or class of cases by a police officer not below the rank of an Inspector :

Provided that nothing in this section shall apply to the use in a place other than public place, of a sound amplifier which is a component part of a wireless apparatus duly licensed under any law for the time being in force.

Explanation.—In this section ‘public place’ means a place (including a road, street or way, whether a thorough-fare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.

3. *Penalty for unauthorised use of sound amplifiers.*—Any person contravening the provisions of section 2 shall be punishable with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or both.

4. *Power of police officer to arrest without warrant.*—Any police officer may arrest without a warrant any person committing in his view an offence punishable under this Act.

The Ajmer (Places of Public Entertainment) Prohibition of Smoking Act, 1953

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 21st May, 1953 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 6th June 1953.

Ajmer Act No. II of 1953.

An Act to prohibit smoking in places of public entertainment in the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Ajmer (Places of Public Entertainment) Prohibition of Smoking Act, 1953.

(2) It extends to the whole of the State of Ajmer.

(3) Sections 1 and 2 shall come into force at once ; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may by notification appoint ; and different dates may be appointed for different areas or places in the State of Ajmer.

Notes

Date of commencement.—“Notification No. GA(4)/6/53-H&S.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Ajmer (Places of Public Entertainment) Prohibition of Smoking Act, 1953 (II of 1953), the Chief Commissioner of the State of Ajmer hereby directs that the provisions of the said Act, other than Sections 1 and 2 which have already come into force shall come into force in the whole of the State of Ajmer on and from the 1st July, 1953. [Published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 6th June 1953]

2. *Interpretation.*—(1) In this Act, unless the context otherwise requires,—

(a) “notification” means a notification in the Official Gazette ;

(b) “place of public entertainment” means any building or other enclosed place to which members of the public are admitted, whether on payment or otherwise, to witness any entertainment, that is to say, any cinematographic exhibition, dance or dramatic performance or any other form of amusement ;

(c) “prohibited period” means so much of the period commencing thirty minutes before the beginning of an entertainment and ending with the

termination thereof as may fall within the hours which the State Government may, by notification specify in this behalf for entertainments generally or for any class of entertainments ;

(d) "smoking" means smoking of tobacco in any form, whether in the form of cigarettes, cigars, beedi or otherwise or with the aid of a pipe or hukka or any other instrument ;

(e) "State Government" means the Chief Commissioner of the State of Ajmer.

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. *Prohibition of smoking in places of public entertainment.*—No person shall, during the prohibited period, smoke in any place of public entertainment,—

(a) either on the stage thereof, except in so far as smoking may be a part of the entertainment ; or

(b) in the auditorium, that is to say, in that part of the place of public entertainment in which accommodation is provided for members of the public.

4. *Penalty for contravention of section 3.*—(1) Any person who contravenes the provisions of section 3 shall be liable to be ejected summarily from the place of public entertainment by any police officer and shall also be liable to fine which may extend to twenty rupees.

(2) No person ejected under sub-section (1) shall be entitled to the refund of any payment made by him for admission to the place of public entertainment or to any other compensation.

5. *Offences under this Act to be tried summarily.*—All offences under this Act shall be tried summarily in the manner provided for summary trials under the Code of Criminal Procedure, 1898 (V of 1898).

The Ajmer Appropriation Act, 1953.

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 30th June, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 25th July 1953.

Ajmer Act No. III of 1953

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Ajmer for the service of the financial year ending on the 31st day of March, 1953.

WHEREAS it is necessary to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Ajmer for the service of the financial year ending on the 31st day of March, 1953 ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Ajmer Appropriation Act, 1953

2. *Issue of Rs. 63,21,000 out of the Consolidated Fund of the State of Ajmer for the year 1952-53.*—From and out of the Consolidated Fund of the State of Ajmer there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of sixty-three lakhs and twenty-one thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1953, in respect of the services specified in column 2 of the Schedule.

THE SCHEDULE

(See section 2)

I Number of vote	2 Services and purposes	3 Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
1	Land Revenue	88,000	...	88,000
3	Stamps	1,000	...	1,000
5	Registration	1 000	...	1,000
8	General Administration	50,000	3,000	53,000
9	Administration of Justice	12,000	1,000	13,000
10	Jails and Convict Settlements	5,000	...	5,000
11	Police	1,97,000	...	1,97,000
13	Education	1,17,000	...	1,17,000
15	Public Health	34,000	...	34,000
21	Famine	57,34 000	...	57,34,000
24	Community Development Project	78,000	...	78,000
TOTAL ...		63,17,000	4,000	63,21,000

The Ajmer Appropriation (No. 2) Act, 1953.

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 30th June, 1953 and was published in the *Gazette of India*, Part II-Section 1, dated the 25th July 1953.

Ajmer Act No. IV of 1953

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Ajmer for the service of the financial year ending on the 31st day of March, 1954.

WHEREAS it is necessary to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Ajmer for the service of the financial year ending on the 31st day of March, 1954; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Ajmer Appropriation (No. 2) Act, 1953.

2. *Issue of Rs. 1,94 66 000 out of the Consolidated Fund of the State of Ajmer for the year 1953-54.*—From and out of the Consolidated Fund of the State of Ajmer there may be paid and applied sums not exceeding those specified in column 3 of the Schedule, amounting in the aggregate to the sum of one crore, ninety-four lakhs and sixty-six thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1954, in respect of the services specified in column 2 of the Schedule.

THE SCHEDULE
(See section 2)

1	2	3	
		Sums not exceeding	
Number of vote	Services and purposes	Voted by the Legislative Assembly	Charged on the Consolidated Fund
		Rs.	Rs.
1	Land Revenue	5 88,000	...
2	State Excise Duties	1,38,000	...
3	Stamps	12,000	...
4	Forest	3,25,000	...
5	Registration	12,000	...
6	Charges on account of Motor Vehicles Act	13,000	...
7	Other Taxes and Duties	1,10,000	...
8	Irrigation, Navigation, Embankment and Drainage Works (Met from Revenue)	5,77,000	91,000
9	General Administration	12,18,000	72,000
10	Administration of Justice	3,65,000	38,000
11	Jails and Convict Settlement	1,82,000	...
12	Police	24 08,000	...
13	Scientific Departments	12,000	...
14	Education	58,00,000	...
15	Medical	9,32,000	...
16	Public Health	2,37,000	...
17	Agriculture	10,05,000	...
18	Veterinary	1,80,000	...
19	Co-operation	2,81,000	...
20	Miscellaneous Departments	1,09,000	...
21	Civil Works	16,51,000	...
22	Famine	1,00,000	...
23	Stationery and Printing	1,76,000	...
24	Miscellaneous	17,71,000	...
25	Community Development Project	10,63,000	...
TOTAL ...		1,92,65,000	2,01,000
			1,94,66,000

The Delhi (Supplementary) Appropriation Act, 1953.

The following Act of the Delhi Legislative Assembly received the assent of the President on the 24th March, 1953, and was published in the Government Gazette Delhi State, Extraordinary, Part IV-Section 3, dated the 28th March 1953.

Delhi Act No. 1 of 1953.

[24th March, 1953]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Delhi to the service of the year ending on the Thirty first day of March, 1953.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Delhi to the service of the year ending on the thirty-first day of March, 1953 :

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Delhi (Supplementary) Appropriation Act, 1953.

2. *Issue of Rs. 19,89,500 out of the Consolidated Fund of the State of Delhi for the year 1952-53, in addition to the sum already authorised to be withdrawn for that year.*—In addition to the sum of three crores, fifty-three lakhs and seventy-seven thousand rupees authorised to be withdrawn and appropriated under the Delhi Appropriation Act, 1952 (IV of 1952), there may be paid and applied from and out of the Consolidated Fund of the State of Delhi sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees nineteen lakhs, eighty-nine thousand and five hundred towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1953, in respect of the services and purposes specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Delhi by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1943.

SCHEDULE
(See Sections 2 and 3)

I Demand No.	Services and purposes	Sum not exceeding		
		Voted by Assembly	Charged on Consolidat- ed Fund	Total
		Rs.	Rs.	Rs.
9	General Administration	2,70,000	...	2,70,000
12	Education	2,50,000	...	2,50,000
22	Miscellaneous	14,19,500	...	14,19,500
23	Community Projects	50,000	...	50,000
	Total	19,89,500	...	19,89,500

The Delhi (Places of Public Entertainment) Prohibition of Smoking Act, 1953.

The following Act of the Delhi Legislative Assembly received the assent of the President on the 21st March 1953 and was published in the Government Gazette Delhi State, Part IV-Sec. 3 dated the 9th April 1953.

Delhi Act No. II of 1953

[21st March, 1953]

An Act to prohibit smoking in places of public entertainment in the State of Delhi

It is hereby enacted by the State Legislature as follows :—

1. *Short title, extent and commencement*—(1) This Act may be called the Delhi (Places of Public Entertainment) Prohibition of Smoking Act, 1953.

(2) It extends to the whole of the State of Delhi.

(3) It shall come into force at once.

2. *Definitions*—In this Act, unless the context otherwise requires,—

(a) “place of public entertainment” means any building or other enclosed place to which members of the public are admitted, whether on

payment or otherwise, to witness any entertainment, that is to say, any cinematographic exhibition, dance or dramatic performance or any other form of amusement ;

(b) "prohibited period" means so much of the period commencing thirty minutes before the beginning of an entertainment and ending with the termination thereof as may fall within the hours which the Chief Commissioner, Delhi, may, by notification in the Official Gazette, specify in this behalf for entertainments generally or for any class of entertainment.

(c) "smoking" means smoking of tobacco in any form, whether in the form of cigarettes, cigars, beedi or otherwise or with the aid of a pipe or hukka or any other instrument.

3. *Prohibition of smoking in places of public entertainment*—No person shall during the prohibited period, smoke in any place of public entertainment,—

(a) either on the stage thereof, except in so far as smoking may be a part of the entertainment ; or

(b) in the auditorium that is to say, in that part of the place of public entertainment in which accommodation is provided for members of the public.

4. *Penalty for contravention of section 3.*—(1) Any person who contravenes the provisions of section 3 shall be liable to be ejected summarily from the place of public entertainment by any police officer and shall also be liable to fine which may extend to twenty rupees.

(2) No person ejected under sub-section (1), shall be entitled to the refund of any payment made by him for admission to the place of public entertainment or to any other compensation.

5. *Offences under this Act to be tried summarily*—All offences under this Act shall be tried summarily in the manner provided for summary trials under the Code of Criminal Procedure, 1898 (V of 1898).

The Delhi (Second Supplementary) Appropriation Act, 1953.

The following Act of the Delhi Legislative Assembly received the assent of the President on the 29th March, 1953 and was published in the Government Gazette Delhi State, Extraordinary, Part IV-Section 3, dated the 30th March 1953.

Delhi Act No. III of 1953

[29th March 1953]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Delhi to the service of the year ending on the Thirty first day of March, 1953.

BE it enacted by the Legislative Assembly of the State of Delhi as follows :—

1. *Short title*—This Act may be called the Delhi (Second Supplementary) Appropriation Act, 1953

2. *Issue of Rs. 5,34,500 out of the Consolidated Fund of the State of Delhi for the year 1952-53*—From and out of the Consolidated Fund of the State of Delhi, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees five lakhs, thirty-four thousand and five hundred towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1953, in respect of the services and purposes specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied

from and out of the Consolidated Fund of the State of Delhi by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1953.

SCHEDULE
(See Sections 2 and 3)

1 Demand No.	2 Services and purposes	3 Sums not exceeding		
		Voted by Assembly	Charged on Consolidated Fund	Total
		Rs.	Rs.	Rs.
3	Stamps	6,000	...	6,000
8	Charges on Account of Motor Vehicles Act.	10,000	...	10,000
21	Stationery and Printing ...	1,25,000	...	1,25,000
22	Miscellaneous	3,49,500	...	3,49,500
23	Community Projects ...	1,000	...	14,000
34	Superannuation Allowances and Pensions.	20,000	...	40,000
Total		5,34,500		5,34,500

The Delhi Appropriation Act, 1953.

The following Act of the Delhi Legislative Assembly received the assent of the President on the 29th March, 1953, and was published in the Government Gazette Delhi State, Extraordinary, Part IV-Section 3, dated the 31st March 1953.

Delhi Act No. IV of 1953

[29th March, 1953.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Delhi for the service of the year ending on the thirty-first day of March, 1954.

BE it enacted by the Legislative Assembly of the State of Delhi as follows :—

1. *Short title*—This Act may be called the Delhi Appropriation Act, 1953.

2. *Issue of Rs. 4 28,62 000 out of the Consolidated Fund of the State of Delhi for the year 1953-54*—From and out of the Consolidated Fund of the State of Delhi there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees four crores twenty-eight lakhs and sixty-two thousand only towards defraying the several charges which will come in course of payment during the year ending on the Thirty first day of March, 1954, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Delhi by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the Thirty first day of March, 1954.

SCHEDULE

[For the Schedule see Government Gazette Delhi State, Extraordinary, Part IV-Sec. 3, dated the 31st March 1953, page 6. *Editor.*]

The Delhi Stay of Proceedings (Revenue Courts) Act, 1953.

The following Act of the Delhi Legislative Assembly received the assent of the President on the 28th April, 1953 and was published in the Government Gazette Delhi State, Extraordinary, Part IV-Section 3, dated the 1st May 1953.

Delhi Act No. VII of 1953

[28th April, 1953.]

An Act to provide for the stay of certain proceedings under the Punjab Tenancy Act, 1887, the Agra Tenancy Act, 1901 and the Punjab Tenants (Security of Tenure) Act, 1950 as applicable to the State of Delhi.

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Delhi Stay of Proceedings (Revenue Courts) Act, 1953.

(2) It extends to the whole of the State of Delhi.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. *Stay of proceedings in certain applications, suits and appeals*—(1) Notwithstanding anything contained in the Punjab Tenancy Act, 1887 (XVI of 1887) or the Agra Tenancy Act, 1901 (U P. Act II of 1901) or the Punjab Tenants (Security of Tenure) Act, 1950 (Punjab Act XXII of 1950), as applicable to the State of Delhi, or in the Code of Civil Procedure, 1908 (Act V of 1908), all proceedings in applications and suits of the classes specified in the Schedule and all appeals arising therefrom, which are pending before revenue courts on the commencement of this Act, and all applications, suits and appeals which may be presented or instituted in revenue courts during the period this section remains in force shall be stayed for so long as this section remains in force.

(2) This section shall remain in force for a period of one year from the commencement of this Act.

3. *Period of stay to be excluded from computation of limitation*—In computing the period of limitation for any application or suit of the classes specified in the Schedule or for any appeal therefrom instituted or presented after section 2 ceases to be in force which might otherwise have been instituted or presented during the period section 2 remained in force, the period during which section 2 remained in force shall be excluded.

THE SCHEDULE

(See sections 2 and 3)

Under the Punjab Tenancy Act, 1887 (XVI of 1887).

Applications under clauses (d), (i) and (m) of sub-section (1) of section 76.

Suits under clauses (e) (other than suits based on non-satisfaction of decrees for arrears of rent), (f) and (h) of sub-section (3) of section 77.

Under the Agra Tenancy Act, 1901 (U P. Act II of 1901).

The following suits and applications specified in the fourth Schedule to that Act :—

Group B—Serial No. 13.

Group C—Serial Nos. 18 and 29.

Under the Punjab Tenants (Security of Tenure) Act, 1950 (Punjab Act XXII of 1950).

Applications under sub-section (2) of section 12.

PART V

BOMBAY ACTS

The Bombay Primary Education (Amendment) Act, 1952.

The following Act of the Bombay Legislature has been assented to by the Governor on the 12th October 1952 and was published in the *Bombay Government Gazette*, Part IV, dated the 15th October 1952.

Bombay Act No. XXV of 1952

An Act to amend the Bombay Primary Education Act, 1947.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Primary Education (Amendment) Act, 1952

2. *Amendment of section 4 of Bombay LXI of 1947.*—In section 4 of the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), hereinafter referred to as the said Act,—

(1) for sub-section (6), the following shall be substituted, namely :—

“(6) Of the members elected by the district local board or by the authorised municipality such number not exceeding two as may be prescribed shall be from amongst the Scheduled Castes and the Scheduled Tribes” ;

(2) in the first proviso to sub-section (7), for the words “the backward communities” the words “the Scheduled Castes and the Scheduled Tribes” shall be substituted ;

(3) for the *Explanation* after sub-section (7), the following shall be substituted, namely :—

“*Explanation.*—For the purposes of sub-sections (6) and (7), ‘Scheduled Castes’ and ‘Scheduled Tribes’ means those Scheduled Castes and Scheduled Tribes which are deemed to be Scheduled Castes and Scheduled Tribes in relation to the State of Bombay under Article 341 or 342, as the case may be, of the Constitution.”

3. *Amendment of section 7 of Bom. LXI of 1947.*—In section 7 of the said Act, in clause (a) of sub-section (1), the word “previous” shall be deleted.

4. *Insertion of new section 9A in Bom. LXI of 1947.*—After section 9 of the said Act, the following section shall be inserted, namely :—

“9A. *Disqualification of person for misconduct after he has resigned as member.*—If any person, who was a member of a school board and who had resigned his office as such member, has been, after due inquiry, found guilty of misconduct in the discharge of his duties, or of any disgraceful conduct as a member, the State Government may by an order notified in the *Official Gazette* declare him notwithstanding the fact that he had resigned his office as such member, to be disqualified for being elected, appointed or nominated a member of any school board from such date for such period not exceeding five years as may be specified in the order. The State Government may at any time by like order remove the disqualification so incurred by any person. The decision of the State Government under this section shall be final.”

5. *Amendment of section 24 of Bom. LXI of 1947.*—To section 24 of the said Act, the following sub-section shall be added, namely :—

"(4) Notwithstanding anything contained in this section, the State Government may call for and examine the record of any order made by the Administrative Officer under sub-section (1) involving disciplinary action against the staff, maintained under section 20, for the purpose of satisfying itself as to the correctness or propriety of the punishment awarded under the said order and if after causing such inquiry to be made as it deems fit the State Government is of opinion that the said order should be modified, annulled or reversed, the State Government may pass such order thereon as it deems fit :—

Provided that no such order shall be made by the State Government in revision to the prejudice of any person unless such person has had an opportunity of being heard in his defence."

6. *Amendment of section 35 of Bom. LXI of 1947.*—For section 35 of the said Act, the following shall be substituted, namely :—

"35 *Penalty for failure to cause child to attend approved school*—(1) If an order with reference to a child has been made under sub-section (1) of section 34 against any parent and if such parent fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order, unless such order is rescinded in an appeal made under sub-section (3) of the said section 34, such parent shall, on conviction, be punished with fine not exceeding two rupees ; and in case such failure continues after such conviction, he shall also be punished with fine of eight annas for every day on which the failure continues or is repeated.

(2) No court shall take cognizance of an offence under sub-section (1) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf."

7. *Amendment of section 57 of Bom. LXI of 1947.*—In section 57 of the said Act, in sub-section (3), for the words "one year" the words "three years" shall be substituted.

8. *Amendment of section 60 of Bom. LXI of 1947.*—For section 60 of the said Act, the following shall be substituted, namely :—

"60. *Delegation.*—(1) Subject to such conditions, if any, as may be specified,—

(i) the State Government may delegate any of its powers or duties under this Act or the rules made thereunder to any officer or authority subordinate to it ; and

(ii) the Director may also, with the previous sanction of the State Government, delegate any of his powers or duties under this Act or the rules made thereunder or delegated to him by the State Government under clause (i) to any officer subordinate to him.

(2) Nothing in this section shall derogate from the right of the State Government or the Director to exercise any or all of the powers or duties hereby delegated by it or him, as the case may be, to any subordinate officer or authority."

9. *Amendment of section 63 of Bom. LXI of 1947.*—In section 63 of the said Act, to clause (c) of sub-section (2), the following words shall be added, namely :—

"and school committees for non-authorised municipalities."

10. *Amendments made by section 2 to apply to new school boards.*—The amendments made in the said Act by section 2 of this Act shall not apply to any school board existing on the date of the commencement of this Act but shall apply to any new school board constituted thereafter under the said Act.

The Bombay Prohibition (Amendment) Act, 1952.

The following Act of the Bombay Legislature has been assented to by the President on the 15th October 1952 and was published in the *Bombay Government Gazette*, Part IV, dated the 22nd October 1952.

Bombay Act No. XXVI of 1952

An Act to amend the Bombay Prohibition Act, 1949.

WHEREAS it is necessary and expedient to amend the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), for the purposes hereinafter appearing ; It is hereby enacted as follows :--

1. *Short title.*—This Act may be called the Bombay Prohibition (Amendment) Act, 1952.

2. *Amendment of section 2 of Bom. XXV of 1949.*—In section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter called the said Act).—

(1) in clauses (16) and (20) and in sub-clause (c) of clause (41), the words “as defined by the Dominion Government” shall be deleted ;

(2) in clause (23)—

(a) in sub-clause (c) the word “and” at the end shall be deleted, and

(b) for sub-clause (d) together with the proviso, the following shall be substituted, namely :—

“(d) any other intoxicating or narcotic drug or substance together with every preparation or admixture of the same which the State Government may by notification in the *Official Gazette* declare to be an intoxicating drug for the purposes of the Act, such drug, substance, preparation or admixture not being opium, coca leaf or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930 (II of 1930).” ;

(3) in clause (24), in sub-clause (a) for the words “methylated spirits” the words “denatured spirits” shall be substituted ;

(4) in clause (32), for the words and figures “section 40, 41, 46 or 47” the words “the provisions of this Act” shall be substituted.

3. *Insertion of new section 6A in Bom. XXV of 1949.*—After section 6 of the said Act, the following new section shall be inserted, namely :—

“6A. *Board of Experts.*—(1) For the purpose of determining whether any medicinal or toilet preparation containing alcohol is or is not a medicinal or toilet preparation unfit for use as intoxicating liquor, the State Government shall constitute a Board of Experts.

(2) The Board of Experts constituted under sub-section (1) shall consist of such members, not less than three in number, with such qualifications as may be prescribed. The members so appointed shall hold office during the pleasure of the State Government.

(3) Two members shall form a quorum for the disposal of the business of the Board.

(4) Any vacancy of the member of the Board shall be filled in as early as practicable :

Provided that during any such vacancy the continuing members may act, as if no vacancy had occurred.

(5) The procedure regarding the work of the Board shall be such as may be prescribed.

(6) It shall be the duty of the Board, to advise the State Government on the question whether any medicinal or toilet preparation containing alcohol is unfit for use as intoxicating liquor and on such other matters incidental to the said question as may be referred to it by the State Government. On obtaining such advice the State Government shall determine whether any such preparation is fit or unfit for use as intoxicating

liquor or not and such preparation shall be presumed accordingly to be fit or unfit for use as intoxicating liquor, until the contrary is proved."

4. *Amendment of section 11 of Bom. XXV of 1949.*—In section 11 of the said Act,—

(1) after the words "or hemp" the words "or to cultivate or collect hemp" shall be inserted; and

(2) after the words "this Act" the word "or" shall be inserted.

5. *Amendment of section 23 of Bom. XXV of 1949.*—In section 23 of the said Act,—

(1) in clause (a),—

(a) the word "commend," shall be deleted;

(b) after the words "use of" the word "or" shall be inserted;

(2) clause (b) shall be deleted; and

(3) for the marginal note, the following shall be substituted, namely:—

"Prohibition of soliciting use of intoxicant or hemp or doing any act calculated to incite or encourage member of public to commit offence."

6. *Amendment of section 24 of Bom. XXV of 1949.*—In section 24 of the said Act, in clause (a) of both sub-sections (1) and (3) the word "commends," shall be deleted.

7. *Insertion of new section 24A in Bom. XXV of 1949.*—After section 24 of the said Act, the following shall be inserted, namely:—

"24A. *This chapter not to apply to certain toilet and medicinal preparations.*—Nothing in this Chapter shall be deemed to apply to—

(1) any toilet preparation containing alcohol which is unfit for use as intoxicating liquor;

(2) any medicinal preparation containing alcohol which is unfit for use as intoxicating liquor;

Provided that such preparation corresponds with the description and limitations mentioned in section 59A;

Provided further that the purchase, possession or use of any liquor or alcohol for the manufacture of any such preparation shall not be made or had except under a licence granted under section 31A."

8. *Amendment of section 31 of Bom. XXV of 1949.*—In section 31 of the said Act, —

(1) for the words "or possession" the words " , possession, consumption or use" shall be substituted;

(2) for the words "such article" the words "such liquor, intoxicating drug, hemp or article" shall be substituted;

(3) after the words "such like purpose" the words "or for sale for any of the aforesaid purposes" shall be inserted;

(4) in the proviso—

(a) the words "scientific or industrial or like" shall be deleted;

(b) after the word "possession" the words " , consumption or use" shall be inserted.

9. *Insertion of new section 31A in Bom. XXV of 1949.*—After section 31 of the said Act, the following shall be inserted, namely:—

"31A. *Licences for purchase, etc., of liquor for manufacture of preparations referred to in section 24A.*—The State Government may, by rules or an order in writing authorise an officer to grant licences for the purchase, possession or use of any liquor or alcohol for the manufacture of any preparation to which section 24A applies on such conditions as may be prescribed."

10. *Amendment of section 32 of Bom. XXV of 1949.*—In section 32 of the said Act—

(1) for the words "the tapping of palmyra or date palm trees for juice intended to be used" the words "the tapping of, or drawing juice from, any palm trees for the purpose of sale or consumption as neera or" shall be substituted ;

(2) in the marginal note for the word "toddy" the word "neera" shall be substituted.

11. Amendment of section 34 of Bom. XXV of 1949.—In section 34 of the said Act, in sub-section (2), in clause (v), after the word "chemists" the word "canteens" shall be inserted.

12. Amendment of section 35 of Bom. XXV of 1949.—In section 35 of the said Act, in sub-section (2), in clause (i)—

(1) the words "in sealed bottles" shall be deleted ;

(2) for the word "residing" the words "residing or boarding" shall be substituted.

13. Amendment of section 37 of Bom. XXV of 1949.—In section 37 of the said Act,—

(1) the words "and Captains of coasting steamers" shall be deleted;

(2) for the existing marginal note, the marginal note "Dining car licences" shall be substituted.

14. Amendment of section 38 of Bom. XXV of 1949.—In section 38 of the said Act,—

(1) after the words "each ship" the words "or to the Master of any ship" shall be inserted ;

(2) for the words "on condition that such liquor shall be sold only to bona fide passengers on such ship" the words "and to permit the use or consumption of foreign liquor on such ship on such conditions as may be prescribed" shall be substituted ;

(3) to the marginal note the words "and to Masters of ships" shall be added.

15. Amendment of section 39 of Bom. XXV of 1949.—In section 39 of the said Act,—

(1) for the words beginning with the words "in the notification" and ending with the word "canteens" the following shall be substituted, namely :—

"by a general or special order permit—

(i) the sale of foreign liquor to,

(ii) the purchase, use or consumption of such liquor by,—

(a) the members of the armed forces in messes and canteens, and

(b) the crew of warships or troopships and the members of the armed forces thereon";

(2) in the marginal note to the said section,—

(a) the words "cargo boats" shall be deleted ;

(b) for the words "military and naval messes and canteens" the words "messes and canteens of armed forces" shall be substituted.

16. Amendment of section 40 of Bom. XXV of 1949.—In section 40 of the said Act,—

(1) in sub-section (1), clause (b) shall be deleted ;

(2) after sub-section (3), the following new sub-section shall be added, namely :—

"(4) If any question arises whether the conditions imposed by clause (a) or (c) of sub-section (1) are satisfied or not in any case, the State Government shall decide the question and its decision shall be final." ;

(3) the Explanation at the end shall be deleted.

17. Insertion of new sections 40A and 40B in Bom. XXV of 1949.—After section 40 of the said Act, the following shall be inserted, namely:—

“40A. Health permits.—(1) The State Government may by rules or orders in writing authorise an officer to grant a health permit for the use or consumption of foreign liquor to any person who requires such liquor for the preservation or maintenance of his health :

Provided that no such permit shall be granted to a minor.

(2) Such permit shall be granted for such quantity and shall be subject to such further conditions as may be prescribed.

40B. Emergency permits —(1) The State Government may by rules or orders in writing authorise an officer to grant emergency permits for the use or consumption of brandy, rum or champagne or any other kind of liquor to any person for his own use or consumption or to any head of a household for the use of his household for medicinal use on emergent occasions :

Provided that the person to whom a permit is granted under this section may allow the use or consumption of liquor in respect of which the permit has been granted to any other person who requires the use thereof for medicinal purpose on emergent occasions :

Provided further that no permit shall be granted to more than one member of a household at any one time.

(2) When a person to whom an emergency permit is granted allows the use or consumption of liquor held by him under the said permit to any other person on the occasion referred to in the first proviso to sub-section (1), the person holding the emergency permit shall intimate the said fact in such manner and at such time as may be prescribed to an officer appointed by the State Government in this behalf.

(3) Such permits shall be granted for such quantities and shall be subject to such further conditions as may be prescribed.

Explanation —For the purposes of this section a household shall mean a group of persons residing and messing jointly as the members of one domestic unit.”

18 Amendment of section 41 of Bom. XXV of 1949.—In section 41 of the said Act, for the words beginning with the words “to sovereigns” and ending with the words “envoy or consul” the following shall be substituted, namely :—

“to any person who is—

(a) a Sovereign or Head of a foreign State ;

(b) an Ambassador, Diplomatic Envoy or Consul, Honorary Consul or Trade, Commerce or other representative of a foreign State ;

(c) a member of the staff appointed by or serving under any person specified in clause (a) or (b) : Provided that such member is a national of a foreign State ; and

(d) the Consort of any person specified in clause (a), (b) or (c) or any relation of such person dependent upon him.”

19. Amendment of section 42 of Bom. XXV of 1949.—In section 42 of the said Act, after the figures “40” the figures and letters “ , 40A, 40B” shall be inserted.

20. Amendment of section 43 of Bom. XXV of 1949.—For section 43 of the said Act, the following shall be substituted, namely :—

“43. Regulation of use or consumption of foreign liquor by certain permit holders.—(1) No holder of a permit granted under any of the provisions of this Act other than section 40B shall drink in a public place or in the rooms of a hotel or institution to which the public may have access.

(2) No holder of a permit granted under section 40A shall allow the use or consumption of any part of the quantity held by him to any other person.

(3) No holder of a permit granted under section 40, 41, 46 or 47 shall allow the use or consumption of any part of the quantity held by him under the permit to any other person who is not the holder of any such permit."

21. Amendment of section 44 of Bom. XXV of 1949.—In section 44 of the said Act, in sub-section (1), for the words "authorize or grant" the words "grant or authorise an officer to grant" shall be substituted.

22. Amendment of section 47 of Bom. XXV of 1949.—In section 47 of the said Act, in sub-section (1)—

(1) for the figures and word "40 and 41" the figures, letter and word "40, 40A and 41" shall be substituted ;

(2) after the word "writing", the words "authorise an officer to", shall be inserted.

23. Amendment of section 48 of Bom. XXV of 1949.—In section 48 of the said Act,—

(1) in sub-section (1),

(i) for the word "sale" the words "consumption or use" shall be substituted ;

(ii) for the words "hemp drugs" the words "intoxicating drugs" shall be substituted ;

(2) for the existing marginal note, the following shall be substituted, namely :—

"Licence for consumption or use of intoxicating drugs."

24. Amendment of section 53 of Bom. XXV of 1949.—In section 53 of the said Act, in the proviso, the words beginning with the words "and not to do anything" and ending with the words "object and purposes of this Act" shall be deleted.

25. Amendment of section 56 of Bom. XXV of 1949.—For sub-section (2) of section 56 of the said Act, the following shall be substituted, namely :—

"(2) When a licence is cancelled under sub-section (1), a part of the licence fee proportionate to the unexpired portion of the term of such licence and the deposit made by the licensee in respect of such licence shall be refunded to him after deducting the amount due from him to the State Government."

26. Amendment of section 59 of Bom. XXV of 1949.—In section 59 of the said Act,—

(1) after sub-section (1) the following sub-section shall be inserted, namely :—

"(1A) The Director may also direct the owner of the stock of any intoxicant, hemp or mhowra flowers who does not hold any licence, permit, pass or authorization for such stock to dispose of the said stock before such date as may be specified in the order, and the owner shall comply with such direction." ;

(2) in the marginal note, after the words "licence holder" the words "or owner" shall be inserted.

27. Insertion of new Chapter IVA in Bom. XXV of 1949.—After section 59, the following new Chapter shall be inserted, namely :—

CHAPTER IVA.

Control and Regulation of Medicinal and Toilet preparations to prevent their use as intoxicating Liquor.

59A. Manufacture of medicinal and toilet preparations.—(1) No manufacturer of any of the articles mentioned in section 24A shall sell, use or dispose of any liquor purchased or possessed for the purposes of such manufacture under the provisions of this Act otherwise than as an ingre-

dient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles mentioned in section 24A than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article :

Provided that in the case of manufacture of any of the articles mentioned in section 24A in which the alcohol is generated by a process of fermentation the amount of such alcohol shall not exceed 12 per cent.

(2) No person shall—

(a) knowingly sell any article to which section 24A applies for being used as an intoxicating drink, or

(b) sell any such article under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purpose.

59B. *Analysis of medicinal and toilet preparations.*—Whenever the Director has reason to believe that any of the articles mentioned in section 24A does not correspond with the description and limitations provided in section 59A, he shall cause an analysis of the said articles to be made, and if upon such analysis the Director shall find that the said article does not so correspond, he shall give not less than 15 days notice, in writing to the person who is the manufacturer thereof or is known or believed to have imported such article to show cause why the said article should not be dealt with as an intoxicating liquor, such notice to be served personally or by registered post, as the Director may determine, and shall specify the time when, place where, and the name of the officer before whom such person is required to appear.”

28. *Amendment of section 60 of Bom. XXV of 1949* —In section 60 of the said Act, in sub-section (2)—

(1) for the words “No person shall”, the words “No person or head of household on his behalf or on behalf of the members of his household shall in the aggregate” shall be substituted ;

(2) after the word “granted”, the words “by the Collector or an officer authorised”, shall be inserted ;

(3) to the first proviso the words “and of that area” shall be added ;

(4) the following Explanation shall be added at the end :—

“*Explanation* — For the purpose of this sub-section, a household shall mean a group of persons residing and messing jointly as members of one domestic unit.”

29. *Amendment of section 61 of Bom. XXV of 1949.*—In section 61 of the said Act, in sub-section (2) after the word “Collector” the words “or any other officer” shall be inserted.

30. *Deletion of sections 63 and 64 of Bom. XXV of 1949* —Sections 63 and 64 of the said Act shall be deleted.

31. *Insertion of new sections 67A and 67B in Bom. XXV of 1949.*—After section 67 of the said Act, the following sections shall be inserted, namely :—

“67A. *Penalty for manufacturing medicinal or toilet preparations in contravention of the provisions of section 59A.*—(1) Whoever in contravention of the provisions of section 59A,—

(a) sells, uses or disposes of any liquor otherwise than as an ingredient of any medicinal or toilet preparation, or

(b) uses more alcohol in the manufacture of such preparation which may be used as intoxicating liquor than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of such preparation, or

(c) knowingly sells any article to which section 24A applies for being

used as an intoxicating drink, or sells any such article under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purpose,

shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) No person who has been convicted for any offence under this section or has paid any sum of money under section 104 for such offence shall be entitled to manufacture, import or to sell any preparation to which section 24A applies for a period of one year from the date of such conviction or payment, and any person who imports, manufactures or sells any such preparation in contravention of this sub-section shall be liable to the same punishment as is provided for an offence punishable under section 65.

67B. *Penalty for failure to satisfy Director that medicinal or toilet preparations correspond to description and limitations.*—If the manufacturer of any of the articles mentioned in section 24A fails to show to the satisfaction of the Director that the article corresponds to the description and limitations provided in section 59A, his licence for the purchase, use or possession of liquor or alcohol for the manufacture of such article shall be revoked."

32. *Amendment of section 69 of Bom. XXV of 1949.*—In section 69 of the said Act, after the word "exports," the word "collects," and after the word "sells" the word " , buys" shall be inserted.

33. *Deletion of section 71 of Bom. XXV of 1949.*—Section 71 of the said Act shall be deleted.

34. *Amendment of section 73 of Bom. XXV of 1949.*—In section 73 of the said Act, in clause (a) the word "commends," shall be deleted.

35. *Amendment of section 74 of Bom. XXV of 1949.*—In section 74 of the said Act, in clause (a),—

(1) the word "commends," shall be deleted ;

(2) after the word "hemp" the word "or" shall be added.

36. *Amendment of section 75 of Bom. XXV of 1949.*—In section 75 of the said Act, —

(1) in clause (a) the word "commends," shall be deleted ;

(2) clause (b) shall be deleted ;

(3) in the marginal note, the words "frustrating provisions of this Act" shall be deleted.

37. *Amendment of section 83 of Bom. XXV of 1949.*—In section 83 of the said Act, the words "to defeat or frustrate the provisions of this Act, rule, regulation or order, or" shall be deleted

38. *Amendment of section 85 of Bom. XXV of 1949.*—Section 85 of the said Act shall be renumbered as sub-section (1) of the said section and in the sub-section so renumbered —

(1) after the words "under the influence of drink" the following shall be inserted, namely :—

' or

(3) is found drunk but who is not the holder of a permit granted under the provisions of this Act or is not eligible to hold a permit under section 40, 41 or 46,"

(2) after sub-section (1) so renumbered the following shall be added, namely :—

(2) In prosecution for an offence under sub-section (1), it shall be presumed until the contrary is proved that the person accused of the said offence has drunk liquor or consumed any other intoxicant for the purpose of being intoxicated and not for a medicinal purpose.

39. *Amendment of section 102 of Bom. XXV of 1949.*—In section 102 of the said Act, in sub-section (1) the word “commending,” shall be deleted and in the marginal note, for the word “commending” the word “soliciting” shall be substituted.

40. *Amendment of section 104 of Bom. XXV of 1949.*—In section 104 of the said Act, in sub-section (1),—

(1) after the word “section” where it occurs for the first time, the figures and word “69, 70, 77, 82 or” shall be inserted,

(2) in the proviso, after the word “section” the figures and word “69, 70 or” shall be inserted

41. *Amendment of section 105 of Bom. XXV of 1949*—In section 105 of the said Act, for the words and figures ‘in accordance with the provisions contained in Chapter IV of this Act’ the words “in or from the State, as the case may be” shall be substituted.

42. *Amendment of section 106 of Bom. XXV of 1949.*—In section 106 of the said Act, in clause (e), for the words “in pursuance of a licence granted under this Act” the words “in the State” shall be substituted.†

43. *Amendment of section 107 of Bom. XXV of 1949.*—In section 107 of the said Act,—

(1) for the words “excise duty and fee” the words “any fee in respect of any privilege, licence, permit, pass or authorization granted under this Act or duty on toddy producing trees or excise duty or fee” shall be substituted ;

(2) for the words “or hemp” the words “hemp, mhowra flowers or molasses” shall be substituted

44. *Insertion of new sections 107A and 107B in Bom. XXV of 1949.*—After section 107 of the said Act, the following new sections shall be inserted, namely :—

“107A *Declaration of stock of articles mentioned in section 24A ; maintenance of accounts and submission of returns.*—Every person who imports or manufactures any of the articles mentioned in section 24A shall—

(a) submit to the Collector within such period and in such form, as may be prescribed, a declaration of the quantity of such article in his possession on the importation or manufacture of the said article, as the case may be ;

(b) maintain accounts of the articles in such form and submit such returns as may be prescribed.

107B. *Power to obtain information and to search and seize excisable articles.*—(1) The Collector or any officer empowered by the State Government in this behalf may, subject to such conditions as may be prescribed,

(a) by order require any person liable to pay any excise duty or fee under this Chapter to furnish him with any information or to produce before him any accounts or other documents concerning any excisable article as may be necessary for the purposes of this Chapter ;

(b) inspect at all reasonable hours the accounts or other documents relating to the stocks of any excisable article imported or manufactured or stored in respect of which such duty or fee has been paid or is payable and any place where such article is manufactured or stored ;

(c) for reasons to be recorded in writing, enter any such place where he knows or has reason to believe that any excisable article in respect of which such duty or fee has not been paid is being imported or manufactured or stored and search for the same and seize any stocks of such article found therein and detain the same until such time as proof of payment of

such duty or fee is produced or such further time as may be necessary for taking action under section 98, 99 or 100 or for prosecuting for an offence under section 108.

(2) Whoever—

(a) fails to furnish any information or produce any accounts or other documents in compliance with an order made under clause (a) of sub-section (1), or

(b) obstructs any officer making an inspection, entry, a search or a seizure under clause (b) or clause (c) of sub-section (1),

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.”

45. Amendment of section 108 of Bom. XXV of 1949.—In section 108 of the said Act,—

(1) after the word “possesses” the word “, sells” shall be inserted;

(2) for the words beginning with the words “be liable to the same punishment” and ending with the words “of this Act” the following shall be substituted, namely :—

“in addition to being required to pay such duty or fee, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or the amount of such duty or fee whichever is greater, or with both”.

46. Amendment of section 117 of Bom. XXV of 1949.—In the proviso to section 117 of the said Act, the words beginning with the words “in any local area” and ending with the words “State Government” shall be deleted.

47. Amendment of section 121 of Bom. XXV of 1949.—In section 121 of the said Act, to sub-section (1), the words “and may seize any intoxicant, hemp, mhowra flowers, molasses or any other thing liable to confiscation or forfeiture under this Act or any other law for the time being in force relating to excise revenue found while making such search” shall be added.

48. Amendment of section 128 of Bom. XXV of 1949.—In section 128 of the said Act, in sub-section (1),—

(1) after the words “in this behalf” the words “or in Greater Bombay, a Deputy Commissioner of Police or a Superintendent of Police in charge of a Division” shall be inserted;

(2) in clause (b) after the word “concealed” the words “and for the seizure of such intoxicant, hemp, opium, mhowra flowers, molasses or such other thing found in such building, vehicle or place” shall be inserted.

49. Amendment of section 134 of Bom. XXV of 1949.—In section 134 of the said Act, after the words “a local authority” the words and figures “and the sarpanch of a village panchayat constituted under the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933),” shall be inserted.

50. Deletion of section 136 of Bom. XXV of 1949.—Section 136 of the said Act shall be deleted.

51. Amendment of section 143 of Bom. XXV of 1949.—In section 143 of the said Act, in sub-section (2),—

(1) in clause (b), after the word “transport” the word “collection,” shall be inserted;

(2) in clause (f),—

(a) after the word “transport,” the words “collection, sale, purchase,” shall be inserted;

(b) for the words, brackets and letters "clauses (b) and (e)" the words, brackets and letters "clause (b) and for the matters specified in clause (e)" shall be substituted ;

(3) in clause (n)—

(a) the word "commending," shall be deleted ;

(b) after the word "intoxicant" the word "or" shall be inserted ;

(4) in clause (o),—

(a) for the words "whether printed or published" the words "printed and published outside the State" shall be substituted ;

(b) the words "is prescribed or which commends," shall be deleted ;

(c) the words "to be forfeited to the State Government" shall be deleted.

(5) for clause (t) the following shall be substituted, namely :—

(t) prescribing the procedure regarding the work of the Board of Experts ;

(u) prescribing the fees payable in respect of any privilege, licence, permit, pass or authorization granted or issued under this Act ;

(v) prescribing the period within which and the form in which a declaration under section 107A shall be submitted, and the form in which account shall be maintained".

52. *Amendment of section 144 of Bom. XXV of 1949.*—In sub-section (1) of section 144 of the said Act,

(1) in clause (d), the words beginning with the words "of any privilege" and ending with the words "authorization or" shall be deleted ;

(2) for clause (f) (ii) the following shall be substituted, namely :—

"(ii) the fixing of the strength, price or quantity in excess of or below which any intoxicant or mhowra flowers shall not be sold or supplied and the quantity in excess of which denatured spirit or molasses shall not be possessed or sold and the prescription of a standard of quality for any intoxicant, mhowra flowers or molasses ;".

53. *Amendment of section 147 of Bom. XXV of 1949.*—In section 147 of the said Act, the words "as defined by the Dominion Government" shall be deleted.

The Bombay Shops and Establishments (Amendment) Act, 1952.

The following Act of the Bombay Legislature has been assented to by the President on the 21st October 1952 and was published in the *Bombay Government Gazette*, Part IV, dated the 25th October 1952.

Bombay Act No XXVIII of 1952

An Act to amend the Bombay Shops and Establishments Act, 1948.

WHEREAS it is expedient to amend the Bombay Shops and Establishments Act, 1948 (Bom LXXIX of 1948), for the purposes hereinafter appearing : It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Shops and Establishments (Amendment) Act, 1952.

(2) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint.

2. *Amendment of section 2 of Bom. LXXIX of 1948.*—In section 2 of the Bombay Shops and Establishments Act, 1948 (Bom. LXXIX of 1948), hereinafter referred to as the said Act,—

(1) in clause (4) after the words "carries on", where they occur for the second time, the words "whether for purposes of gain or not," shall be inserted ;

(2) for clause (15), the following shall be substituted, namely :—

“(15) ‘Local authority’ means a municipal corporation constituted under the Bombay Municipal Corporation Act (Bom. III of 1888) or the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), a municipality constituted under the Bombay District Municipal Act, 1901 (Bom. III of 1901) or the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), or a local board constituted under the Bombay Local Boards Act, 1923 (Bom. VI of 1923);”

(3) in clause (27), for the word “used” the words “mainly used” shall be substituted.

3. *Amendment of section 4 of Bom. LXXIX of 1948.*—In section 4 of the said Act, in the proviso, after the words “said Schedule”, where they occur for the first time, the words “subject to such conditions, if any, as may be specified in such notification” shall be inserted.

4. *Amendment of section 8 of Bom. LXXIX of 1948*—In section 8 of the said Act, for the portion beginning with the words “any change” and ending with the words “taken place” the following shall be substituted, namely :—

“any change in any of the particulars contained in the statement submitted under section 7 within such period, after the change has taken place, as the State Government may prescribe in respect of any establishment or class of establishments.”

5. *Amendment of section 9 of Bom. LXXIX of 1948.*—To section 9 of the said Act, the following proviso shall be added, namely :—

“Provided that if the Inspector does not receive the information but he is otherwise satisfied that the establishment has been closed, he may remove such establishment from such register and cancel such certificate.”

6. *Amendment of section 12 of Bom. LXXIX of 1948.*—In section 12 of the said Act, for the proviso the following sub-sections shall be substituted, namely :—

(3) The goods seized under sub-section (2) shall be returned to the person from whom they were seized on his depositing rupees twenty-five as security for his appearance in the Court.

(4) If the person fails to make the deposit the goods seized shall be produced without delay before a Magistrate who may give such directions as to their temporary custody as he thinks fit.

(5) Where no prosecution is instituted for contravention of the provisions of sub-section (1) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized.

(6) Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898 (V of 1898), shall so far as they may be applicable, apply to the disposal of the goods seized under this section.”

7. *Amendment of section 15 of Bom. LXXIX of 1948.*—For section 15 of the said Act, the following shall be substituted, namely :—

“15. *Interval for rest.*—The period of work of an employee in a shop or commercial establishment each day shall be so fixed that no period of continuous work shall exceed five hours and that no employee shall be required or allowed to work for more than five hours before he has had an interval for rest of at least one hour.”

8. *Amendment of section 18 of Bom. LXXIX of 1948.*—In section 18 of the said Act, —

(1) for sub-section (1), the following shall be substituted, namely :—

"(1) Every shop and commercial establishment shall remain closed on one day of the week. The employer shall prepare a calendar or list of such closed days at the beginning of the year, notify such calendar or list to the Inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment.

(1A) Notwithstanding anything contained in sub-section (1), a shop or commercial establishment may remain open on any day notified as closed day under sub-section (1), if—

(a) it remains closed on any other day of the week ; and

(b) the employer has notified to the Inspector, his intention to close the shop or the commercial establishment, as the case may be, on the day substituted under clause (a), at least seven days before the substituted day or the day notified as closed day under sub-section (1), whichever is earlier." ;

(2) in sub-section (3), the following shall be added, namely :—

"If any employee is paid a piece rated wage, he shall none the less be paid his wage for the day on which the shop or commercial establishment remains closed, at a rate equivalent to the daily average of his wages for the days on which he has actually worked during the six days preceding such closed day, exclusive of any earning in respect of overtime." ;

(3) to sub-section (3), the following proviso shall be added, namely:—

"Provided that nothing in this sub-section shall apply to any person whose total period of continuous employment is less than six days".

9. *Amendment of section 22 of Bom. LXXIX of 1948.*—For section 22 of the said Act, the following shall be substituted, namely :—

"22. *Interval for rest.*—The period of work of an employee in a residential hotel, restaurant, or eating house each day shall be so fixed that no period of continuous work shall exceed five hours and that no employee shall be required or allowed to work for more than five hours before he has had an interval for rest of at least one hour."

10. *Amendment of section 25 of Bom. LXXIX of 1948.*—In section 25 of the said Act, after clause (d), the following shall be added, namely :—

"(e) the signature (with date) of the employer or manager."

11. *Amendment of section 28 of Bom. LXXIX of 1948.*—For section 28 of the said Act, the following shall be substituted, namely :—

"28. *Daily hours of work in theatres or other places of public amusement or entertainment.*—(1) No employee shall be required or allowed to work in any theatre or other places of public amusement or entertainment for more than nine hours in any day.

(2) Any employee may be required or allowed to work in a theatre or other place of public amusement or entertainment for any period in excess of the limit fixed under sub-section (1), if such period does not exceed six hours in any week."

12. *Amendment of section 29 of Bom. LXXIX of 1948.*—For section 29 of the said Act, the following shall be substituted, namely :—

"29. *Interval for rest.*—The period of work of an employee in a theatre or other place of public amusement or entertainment each day shall be so fixed that no period of continuous work shall exceed five hours and that no employee shall be required or allowed to work for more than five hours before he has had an interval for rest of at least one hour."

13. *Amendment of section 35 of Bom. LXXIX of 1948.*—In section 35 of the said Act,—

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) If the services of an employee who has been in the employment for not less than a year and who has worked for ninety days or more, but for less than two hundred and seventy days during any subsequent year, are terminated in such year in the circumstances specified in sub-section (2), he shall, in addition to the leave under sub-section (1), become entitled to such leave in such year for the number of days which bears to fourteen days, the same proportion, as the number of days for which he worked bears to two hundred and seventy days.”;

(2) in sub-sections (2) and (3), after the word, brackets and figure “sub-section (1)” the word, brackets, figure and letter “or (1A)” shall be inserted.

14. *Insertion of new section 42A in Bom. LXXIX of 1948*—After section 42 of the said Act, the following section shall be inserted, namely :—

“42A. *First Aid*.—In every establishment wherein a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948 (LXIII of 1948), is carried on, there shall be provided and maintained a first-aid box containing such articles as may be prescribed.”

15. *Amendment of section 51 of Bom. LXXIX of 1948*.—In section 51 of the said Act,—

(1) after the words “Every employer” the words “and in his absence the manager” shall be inserted ;

(2) in the marginal note to the said section, after the word “Employer” the words “and manager” shall be inserted

16. *Amendment of section 52 of Bom. LXXIX of 1948*—In section 52 of the said Act, for clause (e), the following shall be substituted, namely :—

“(e) if any employer or manager contravenes the provisions of section 51 or any employer contravenes the provisions of section 62 or 65; or”

17. *Amendment of section 60 of Bom. LXXIX of 1948*—In section 60 of the said Act, to sub-section (1), the following proviso shall be added, namely :—

“Provided that any local authority may direct that the powers conferred on it by this sub-section shall, in such circumstances and subject to such conditions, if any, as may be specified in the direction, be exercised by its standing committee or by any committee appointed by it in this behalf or, if such local authority is a municipal corporation, by its Municipal Commissioner.”

18. *Amendment of section 61 of Bom. LXXIX of 1948*.—In section 61 of the said Act, for the words “six months of the date on which the offence is alleged to have been committed” the words “three months from the date on which the alleged commission of the offence came to the knowledge of an Inspector” shall be substituted.

19. *Amendment of section 66 of Bom. LXXIX of 1948*.—To section 66 of the said Act, the following *Explanation* shall be added, namely :—

“*Explanation*.—For the purposes of this section, ‘misconduct’ shall include—

(a) absence from service without notice in writing or without sufficient reasons for seven days or more ;

(b) going on or abetting a strike in contravention of any law for the time being in force ; and

(c) causing damage to the property of his employer.”

20. *Amendment of section 67 of Bom. LXXIX of 1948*.—In section 67 of the said Act, in sub-section (2),—

(1) in clause (c), for the words "the form for notifying" the words "the form and the period for notifying" shall be substituted ;

(2) after clause (h), the following clause shall be inserted, namely:—

"(ha) the articles which a first aid box maintained under section 42A shall contain ;"

The Bombay Lotteries and Prize Competitions Control and Tax (Amendment) Act, 1952.

The following Act of the Bombay Legislature has been assented to by the President on the 11th November 1952 and was published in the *Bombay Government Gazette*, Part IV, dated the 20th November 1952.

Bombay Act No. XXX of 1952

An Act to amend the Bombay Lotteries and Prize Competitions Control and Tax Act, 1948.

WHEREAS it is expedient to amend the Bombay Lotteries and Prize Competitions Control and Tax Act, 1948 (Bom. LIV of 1948), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Lotteries and Prize Competitions Control and Tax (Amendment) Act, 1952.

2. *Amendment of section 2 of Bom. LIV of 1948.*—In section 2 of the Bombay Lotteries and Prize Competitions Control and Tax Act, 1948 (Bom. LIV of 1948) (hereinafter referred to as "the said Act"),—

(1) in sub-section (1),—

(i) in clause (d),—

(a) for sub-clause (i) the following shall be substituted, namely :—

"(i) (1) cross-word prize competition,

(2) missing word prize competition,

(3) picture prize competition,

(4) number prize competition, or

(5) any other prize competition, for which the solution is or is not prepared before hand by the promoters or for which the solution is determined by lot or chance ;"

(b) the words "but does not include a prize competition contained in a newspaper printed and published outside the State of Bombay" shall be deleted ;

(ii) after clause (d), the following shall be inserted, namely :—

"(dd) 'promoter' includes a proprietor, manager, organizer or any person having the control or directing the conduct of a lottery or prize competition and in the case of a lottery or a prize competition conducted through a newspaper, includes the publisher of such newspaper :

Provided that in the case of a lottery or prize competition contained in a newspaper or publication printed and published outside the State the manager or agent of the publisher of such newspaper or publication in charge of its circulation or distribution shall be deemed to be a promoter of the lottery or prize competition for the purposes of this Act ; and the words 'promote' and 'promoting' shall be construed accordingly ;"

(2) in sub-section (2),—

(i) in clause (a), the word "and" occurring at the end shall be deleted ;

(ii) in clause (b), for the words "construed accordingly", the words "construed accordingly ; and" shall be substituted ; and

(iii) after clause (b), the following clause shall be added, namely :—

"(c) the Collector may, after making such inquiry as he deems fit, determine the person who is or is to be deemed to be a promoter in rela-

tion to a lottery or a prize competition, and his decision shall be final."

3. *Amendment of section 3 of Bom. LIV of 1948.*—In section 3 of the said Act and in the marginal note to the said section, after the word "lotteries" the words "and all prize competitions" shall be inserted.

4. *Amendment of section 4 of Bom. LIV of 1948.*—In section 4 of the said Act,—

(1) in sub-section (1),—

(a) after the words "in connection with any lottery", the words "or prize competition which is unlawful under the provisions of this Act, but which is" shall be inserted ;

(b) in clause (a), after the words "figure in the lottery" the words "or to the holding or production of any coupon" shall be inserted ;

(c) in clause (b), for the words "any tickets for use in the lottery" the words "any tickets or coupons for use in the lottery or prize competition" shall be substituted ;

(d) in clause (c), for the words "any tickets or chances in the lottery" the words "any tickets, coupons or chances in the lottery or prize competition" shall be substituted ;

(e) in clause (d),—

(i) in sub-clause (i), for the words "of the lottery" the words "of the lottery or prize competition" shall be substituted ;

(ii) in sub-clause (ii), for the words "winning tickets in the lottery" the words "winning tickets or coupons in the lottery or prize competition" shall be substituted ;

(iii) in sub-clause (iii),—

(a) for the word "lottery", where it occurs for the second time, the words "lottery or prize competition" shall be substituted ; and

(b) for the words "in that lottery or in other lotteries" the words "in that lottery or prize competition or in other lotteries or prize competitions" shall be substituted ;

(f) in clause (e),—

(i) after the word "ticket" the words "or coupon" shall be inserted ;

and

(ii) after the words "of, the lottery" the words "or prize competition" shall be inserted ;

(g) in clause (f), for the words "of any ticket or chance in the lottery" the words "any ticket, coupon or chance in the lottery or prize competition" shall be substituted ;

(h) in clause (g), after the words "of the lottery" the words "or prize competition" shall be inserted ;

(2) in sub-section (2), for the words beginning with the words "the lottery to" and ending with the words "or prize competition" the words "the lottery or prize competition to which the proceedings relate was such a lottery or prize competition as is not deemed to be unlawful" shall be substituted ;

(3) in the marginal note to the said section, after the word "lotteries" the words "and prize competitions" shall be inserted.

5. *Amendment of section 7 of Bom. LIV of 1948.*—In section 7 of the said Act, the following shall be added at the end, namely :—

"Provided further that the State Government may grant exemption in respect of a prize competition contained in any newspaper or publication printed and published outside the State if the State Government is satisfied that the promoter has no intention of promoting the prize competition within the State."

6. *Amendment of section 8 of Bom. LIV of 1948.*—In section 8 of the said Act, after the word “lotteries”, the words “or prize competitions” shall be inserted.

7. *Amendment of section 12 of Bom. LIV of 1948.*—For section 12 of the said Act, the following shall be substituted, namely :—

“12. *Levy of tax on lotteries and prize competitions.*—(1) There shall be levied,—

(a) in respect of every lottery for which a licence has been obtained under section 5 or 6, a tax at the rate of 25 per cent. of the total sum received or due in respect of such lottery ; and

(b) in respect of every prize competition for which a licence has been obtained under section 7, a tax at the rate of 25 per cent. of the total sum received in respect of such competition.

The tax shall be collected from the promoter of such lottery or prize competition, as the case may be.

(2) Notwithstanding anything contained in clause (b) of sub-section (1), the State Government may, by notification in the *Official Gazette*, direct that the tax to be levied in respect of a prize competition shall be at such rate not exceeding 50 per cent. of the total sum received or due in respect of such prize competition as may be specified in the notification. Such rate may be different in the case of different prize competitions, having regard to the total sum received in respect of such competitions as disclosed from the statements submitted to the Collector under section 15 for the period of twelve consecutive months immediately preceding the date of the notification under this sub-section.”

8. *Insertion of new section 12A in Bom. LIV of 1948.*—After section 12 of the said Act, the following shall be inserted, namely :—

“12A. *Levy of tax on lotteries and prize competitions in newspapers and publications printed and published outside State.*—Notwithstanding anything contained in section 12, there shall be levied in respect of every lottery or prize competition contained in a newspaper or publication printed and published outside the State, for which a licence has been obtained under section 5, 6 or 7, a tax at such rates as may be specified by the State Government in a notification in the *Official Gazette* not exceeding the rates specified in section 12 on the sums specified in the declaration made under section 15 by the promoter of the lottery or prize competition as having been received or due in respect of such lottery or prize competition or in a lump sum having regard to the circulation or distribution of the newspaper or publication in the State.”

9. *Amendment of section 13 of Bom. LIV of 1948.*—In section 13 of the said Act,—

(1) in sub-section (1), after the words “submitted to him”, the words “or a declaration made before him” shall be inserted ;

(2) for sub-section (2), the following shall be substituted, namely :—

“(2) In cases where no such accounts are maintained, or no such statements are submitted, or no such declaration is made, or where such accounts, statements or declaration are or is in the opinion of the Collector false or incorrect, the Collector shall make the calculation to the best of his judgment.”

10. *Amendment of section 15 of Bom. LIV of 1948.*—In section 15 of the said Act,—

(1) the following shall be added, namely :—

“Provided that in the case of a lottery or prize competition contained

in a newspaper or publication printed and published outside the State every person promoting such lottery or prize competition shall make a declaration in such form and at such period as may be prescribed";

(2) in the marginal note to the said section, the words, "submit statements and to make declaration" shall be added at the end.

11. *Amendment of section 16 of Bom. LIV of 1948.*—For section 16 of the said Act, the following shall be substituted, namely :—

"16. *Penalty for failure to keep accounts, to submit statements, to make declaration or keeping or submitting or making false accounts, statements or declaration.*—If any promoter of a lottery or prize competition liable under section 15 to keep accounts, to submit statements or to make a declaration fails to keep accounts, to submit statements or to make a declaration in the manner and at the period prescribed or keeps accounts, submits statements or makes a declaration which he knows to be or has reason to believe to be false, he shall, on conviction, be punished with fine which may extend to five hundred rupees."

12. *Insertion of new section 16A in Bom. LIV of 1948.*—After section 16 of the said Act, the following shall be inserted, namely :—

"16A. *Forfeiture of newspapers and publications containing unlawful lotteries or prize competitions.*—Where any newspaper or publication, wherever printed or published, contains an unlawful lottery or prize competition the Collector may, by notification in the *Official Gazette*, declare every copy of the issue of the newspaper or every copy of such publication containing such lottery or prize competition to be forfeited to the State Government."

13. *Amendment of section 31 of Bom. LIV of 1948.*—In section 31 of the said Act, in clause (ii) of sub-section (2), after the words "are to be submitted", the words "or a declaration is to be made" shall be inserted.

The Bombay Displaced Persons Premises Control and Regulation Act, 1952.

The following Act of the Bombay Legislature has been assented to by the President on the 21st November 1952 and was published in the *Bombay Government Gazette*, Part IV, dated the 27th November 1952.

Bombay Act No XXXI of 1952

• • *An Act to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.*

WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1952.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "competent authority" means any person authorised by the State Government by notification in the *Official Gazette*, to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(b) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of

residence in such area after the first day of March 1947 and who has been subsequently residing in India ;

(c) "displaced persons premises" means any premises allotted by the State Government for the use and occupation of displaced persons ;

(d) "premises" means any building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(e) "prescribed" means prescribed by rules made under this Act.

3. *Declaration of displaced persons premises.*—The State Government may, by notification in the *Official Gazette*, specify any premises allotted before or after the commencement of this Act for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final

4. *Power to evict*—(1) If the competent authority is satisfied—

(a) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,—

(i) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(ii) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(iii) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or

(b) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

(3) If a person who has been ordered to vacate any premises under sub-section (1) within one month of the date of the service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall, in lieu of evicting such person under sub-section (2), cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

5. *Power to recover rent or damages as arrears of land revenue*—(1) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any displaced persons premises, the competent authority may, by notice served (i) by post, or (ii) by affixing

copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(2) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit and may, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

6. *Rent to be recovered from deduction from salary or wages in certain cases.*—(1) Without prejudice to the provisions of section 4, a displaced person who is an employee of the State Government or a local authority and who has been allotted displaced persons' premises by the State Government, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the competent authority in satisfaction of the rent due by him in respect of the displaced persons' premises allotted to him.

(2) On the execution of such agreement, the State Government or a local authority, as the case may be, shall, if so required by the competent authority by requisition in writing, make the deduction of the amount specified in the requisition from the salary or wages of the employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the competent authority.

7. *Appeal*—(1) Any person aggrieved by an order of the competent authority under section 4 or section 5 may, within one month of the date of the service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government;

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

8. *Protection of action taken in good faith*—No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

9. *Delegation*.—The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall,

subject to such conditions, if any, as may be specified in the notification be exercisable also by an officer specially empowered in this behalf by the State Government.

10. *Penalty*.—Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punishable with fine which may extend to one thousand rupees.

11. *Power to make rules*.—(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form of notice and the other manner in which it may be served ;

(b) the procedure to be followed in taking possession of displaced persons premises ;

(c) the manner in which damages for unauthorised occupation may be assessed ;

(d) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(e) any other matter which has to be or may be prescribed.

The Bombay Housing Board (Amendment) Act, 1952.

The following Act of the Bombay Legislature has been assented to by the President on the 29th November 1952 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th December 1952.

Bombay Act No. XXXII of 1952.

An Act to amend the Bombay Housing Board Act, 1948.

WHEREAS it is expedient to amend the Bombay Housing Board Act, 1948 (Bom. LXIX of 1948), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title*.—This Act may be called the Bombay Housing Board (Amendment) Act, 1952.

2. *Amendment of section 2 of Bom. LXIX of 1948*.—In section 2 of the Bombay Housing Board Act, 1948 (Bom. LXIX of 1948), hereinafter referred to as the said Act,—

(1) after clause (3), the following clause shall be inserted, namely :—

“(3A) ‘Board premises’ means any premises belonging to or vesting in the Board or taken on lease by the Board or entrusted to the Board under this Act for management and use for the purposes of this Act ;”

(2) after clause (6), the following clause shall be inserted, namely :—

“(6A) ‘competent authority’ means any person authorised by the State Government by notification in the *Official Gazette* to perform the functions of the competent authority under Chapter V-A for such area as may be specified in the notification ;”

(3) after clause (10), the following clause shall be inserted, namely :—

“(10A) ‘premises’ means any building or part of a building and includes—

(i) gardens, grounds and out-houses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;”

3. *Amendment of section 7 of Bom. LXIX of 1948*.—In section 7 of the said Act,

(1) for sub-section (3), the following shall be substituted, namely :—

“(3) The Chairman may hold office in an honorary capacity or on payment of remuneration. If any remuneration is to be paid to the Chairman, such remuneration and other conditions of service shall be such as may be prescribed”;

(2) in sub-section (4), after the words “the remuneration” the words, “if any,” shall be inserted.

4. *Amendment of section 12 of Bom. LXIX of 1948.*—In section 12 of the said Act,—

(1) after the words “a Secretary,” the words “one or more Assistant Housing Commissioners and” shall be inserted ;

(2) after the words “the Secretary” the words, “any Assistant Housing Commissioner” shall be inserted.

5. *Amendment of section 28 of Bom. LXIX of 1948.*—To section 28 of the said Act, the following shall be added, namely :—

“The programme, the budget and the schedule of the staff so sanctioned shall be laid before each House of the State Legislature as soon as may be after the programme is published.”

6. *Insertion of new Chapter VA in Bom. LXIX of 1948.*—After Chapter V of the said Act, the following Chapter shall be inserted, namely :—

“CHAPTER VA.

Power to evict persons from Board premises.

53A. *Power to evict certain persons from Board premises.*—If the competent authority is satisfied,—

(a) that the person authorised to occupy any Board premises has, whether before or after the commencement of the Bombay Housing Board (Amendment) Act, 1952 (Bom. XXXII of 1952)—

(i) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(ii) sub-let, without the permission of the Board, the whole or any part of such premises, or

(iii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

(b) that any person is in unauthorised occupation of any Board premises, the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take possession of, the premises and may for that purpose use such force as may be necessary.

(3) If any person, who has been ordered to vacate any premises under sub-clause (i) or (iii) of clause (a) of sub-section (1), within one month of the date of service of the notice or such longer time as the competent authority may allow, pays to the Board the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the competent authority, as the case may be, the competent authority shall, in lieu of evicting such person under sub-section (2), cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

53B. Power to recover rent or damages as arrears of land revenue.—

(1) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 53A, where any person is in arrears of rent payable in respect of any Board premises, the competent authority may, by notice served, (i) by post or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(2) Where any person is in unauthorised occupation of any Board premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrears of land revenue.

53BB. Rent to be recovered from deduction from salary or wages in certain cases.—(1) Without prejudice to the provisions of section 53A, any person who is an employee of the State Government or a local authority and who has been allotted any Board premises, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the Board in satisfaction of the rent due by him in respect of the Board premises allotted to him.

(2) On the execution of such agreement, the State Government or a local authority, as the case may be, shall, if so required by the Board by requisition in writing, make the deduction of the amount specified in the requisition from the salary or wages of the employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the Board.

53C. Appeal.—(1) Any person aggrieved by an order of the competent authority under section 53A or section 53B may, within one month of the date of the service of the notice under section 53A or section 53B, as the case may be, prefer an appeal to the State Government:

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit and the order of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

53D. Bar of jurisdiction of Civil Courts.—No order made by the State Government or the competent authority in the exercise of any power

conferred by or under this Chapter shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter."

7. *Amendment of section 61 of Bom. LXIX of 1948.*—To section 61 of the said Act, the following shall be added, namely :—

"Every such report shall be laid before each House of the State Legislature as soon as may be after it is published."

8. *Amendment of section 66 of Bom. LXIX of 1948.*—In section 66 of the said Act, in sub-section (2), after clause (h), the following clauses shall be inserted, namely :—

(ha) the forms of notices under sections 53A and 53B and any other manner in which they may be served ;

(hb) the procedure to be followed in taking possession of any Board premises under section 53A ;

(hc) the manner in which damages under section 53B may be assessed ;

(hd) the manner in which appeals may be preferred under section 53C and the procedure to be followed in such appeals ;"

9. *Insertion of new section 70A in Bom. LXIX of 1948.*—After section 70 of the said Act, the following section shall be inserted, namely :—

"70A. *Penalty for obstructing exercise of powers under Chapter VA.*—Any person who obstructs the lawful exercise of any power conferred by or under Chapter VA shall, on conviction, be punished with fine which may extend to one thousand rupees."

The Bombay Drugs (Control) Act, 1952.

The following Act of the Bombay Legislature has been assented to by the President on the 27th October 1952 and was published in the *Bombay Government Gazette*, Part IV, dated the 3rd November 1952.

Bombay Act No. XXIX of 1952.

An Act to provide for the control of the possession, sale and use of certain drugs.

WHEREAS it is expedient to provide for the control of the possession, sale and use of certain drugs and for certain other purposes ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Drugs (Control) Act, 1952.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

2. *Definitions.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "dealer" means a person carrying on, either personally or through any other person, the business of selling any drugs, whether wholesale or retail ; but does not include a medical practitioner or dispensing chemist ;

(b) "dispensing chemist" means a chemist who carries on the business of dispensing medicines ;

(c) "drug" means (i) a medicine for internal or external use of human beings or animals, or (ii) substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals,—to which medicine or substance this Act is declared to be applicable under sub-section (1) of section 3 ;

(d) "medical practitioner" means a person registered under the Bom-

bay Medical Act, 1912 (Bom. VI of 1912), or registered or entered on the list under the Bombay Medical Practitioners Act, 1938 (Bom. XXVI of 1938), or a person whose name is entered in Part A or Part B of the register of practitioners maintained under the Bombay Homoeopathic Act, 1951 (Bom. XLVIII of 1951) ;

(e) "notified drug" means a drug which has been notified by the State Government to be a notified drug under section 3 ;

(f) "producer" includes a manufacturer.

(2) For the purposes of this Act, a person shall be deemed to be in possession of a drug, if he is in actual or constructive possession of the same and shall include a person on whose behalf or on account of whom another person is in custody of the drug.

3. *Drugs to which this Act applies and notified drugs*—(1) The State Government may, by notification in the *Official Gazette*, declare any drug to be a drug to which this Act applies.

(2) If the State Government is satisfied that a drug is used in a manner injurious to health, the State Government may, by notification in the *Official Gazette*, specify it as a notified drug.

4. *Fixing of maximum quantities which may be held or sold*—(1) The State Government may, by notification in the *Official Gazette*, fix in respect of any notified drug—

(a) the maximum quantity which may at any one time be possessed by a dealer or producer ;

(b) the maximum quantity which may in any one transaction be sold to any person.

(2) The State Government may also by notification in the *Official Gazette* specify the maximum quantity of a notified drug which a person in his individual capacity or as the head of a household may possess at any one time.

Explanation.—For the purpose of this section a "household" shall mean a group of persons normally residing and messing jointly as the members of one domestic unit.

5. *Medical practitioner and dispensing chemist not to supply notified drug for purposes other than medicinal and except under prescription.*—(1) A medical practitioner shall not supply any notified drug in his possession to any person for a purpose other than *bona fide* medicinal purpose and except under a prescription issued by him or another medical practitioner.

(2) A dispensing chemist shall not supply any notified drug in his possession to any person for a purpose other than *bona fide* medicinal purpose and except on a prescription issued by a medical practitioner.

(3) Any prescription issued for the purposes of sub-section (1) or (2) or copies thereof and other records shall be maintained in such manner and preserved for such period as may be prescribed.

6. *Limitation on quantity of any notified drug which may be possessed at any one time.*—No person other than a dealer, a producer, a medical practitioner or a dispensing chemist shall have in his possession at any one time a greater quantity of a notified drug than what is specified by notification issued under sub-section (2) of section 4.

7. *Cash memorandum to be given of certain sales.*—(1) Every dealer or producer when selling any notified drug for cash shall give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The State Government may, by notification in the *Official Gazette*, prescribe the particulars to be contained in any such cash memorandum.

8. *Prohibition or regulation of the disposal of drugs.*—If in the opinion of the State Government it is necessary or expedient so to do, it may, by order in writing—

(c) prohibit the disposal of any notified drug except in such circumstances and under such conditions as may be specified in the order ;

(b) direct the sale of any notified drug to any dealer or class of dealers and in such quantities as may be specified in the order ; and make such further orders as appear to it to be necessary or expedient in connection with any order issued under this section.

9. *Evasion of provisions.*—No person shall wilfully give any false information or refuse to give any information lawfully demanded from him under this Act or the rules thereunder or alter by cancellation or otherwise, destroy, mutilate or deface any book or other document.

10. *Penalty.*—(1) Whoever contravenes any of the provisions of this Act or of any rule, order or notification made or issued thereunder or fails to comply with any directions made under authority conferred by this Act, shall, on conviction, be punished—

(i) for a first offence, with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such fine shall not be less than five hundred rupees ;

(ii) for a second offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and fine shall not be less than one thousand rupees :

(iii) for a third and subsequent offences, with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than one year and fine shall not be less than two thousand and five hundred rupees.

(2) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of notified drugs in respect of which the offence was committed shall be forfeited to Government.

11. *Magistrate's power to impose higher punishment.*—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (V of 1898), it shall be lawful for any Presidency Magistrate or for a Magistrate of the First Class specially empowered by the State Government in this behalf to pass any sentence authorised under section 10, in excess of his powers under section 32 of the said Code.

12. *Offences by corporations.*—Where a person accused of an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person actively associated with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

13. *Inspection and procedure*—(1) The State Government may, by notification in the *Official Gazette*, appoint such persons or officers as it thinks fit, to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) No person or officer below the rank of an Inspector appointed under sub-section (1) shall investigate any offence under this Act.

(3) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Commissioner of police in Greater Bombay and elsewhere of the District Magistrate.

14. *Power to search and seizure*—Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being committed, and take possession of any stock of notified drugs in respect of which the offence has been or is being committed and the provisions of the Code of Criminal Procedure, 1898 (V of 1898), shall so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

15. *Protection of action taken in good faith*.—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

16. *Delegation*.—The State Government may by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

17. *Saving of other laws*.—The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to any of the matters dealt with in this Act.

18. *Power to make rules*.—(1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the maintenance and preservation by dealers and producers generally or by any dealer or producer in particular, of records and accounts of all sale and purchase transactions made by them or the stocks of notified drugs in their possession and used ;

(b) the maintenance and preservation of prescriptions and other records by medical practitioners and dispensing chemists ;

(c) the furnishing of any such information as may be required with respect to the business or profession carried on by any dealers, producers, medical practitioners or dispensing chemists ;

(d) the inspection of any books of account or other documents belonging to or under the control of any dealers, producers, medical practitioners or dispensing chemists relating to notified drugs ;

(e) any other matter which is to be or may be prescribed under this Act.

The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1952.

The following Act of the Bombay Legislature has been assented to by the President on the 6th January 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 12th January, 1953.

Bombay Act No. XXXIII of 1952.

An Act to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

WHEREAS it is expedient to amend the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*— This Act may be called the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1952.

2. *Amendment of section 5 of Bombay LXVII of 1948.*—For section 5 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), (hereinafter referred to as the 'said Act'), the following shall be substituted, namely :—

"5. *Period of Tenancy.*—(1) No tenancy of any land shall be for a period of less than ten years :

Provided that at the end of the said period and thereafter at the end of each period of ten years in succession, the tenancy shall, subject to the provisions of sub-sections (2) and (3), be deemed to be renewed for a further period of ten years on the same terms and conditions notwithstanding any agreement to the contrary.

(2) The landlord may, by giving the tenant one year's notice in writing before the end of each of the periods referred to in sub-section (1), terminate the tenancy, with effect from the thirty first day of March in the last year of each of the said period, if he *bona fide* requires the land for any of the purposes specified in sub-section (1) of section 34, but subject to the provisions of sub-sections (2) and (2A) of the said section, as if such tenant was a protected tenant.

(3) Notwithstanding anything contained in sub-section (1)—

(a) every tenancy shall, subject to the provisions of sections 24 and 25, be liable to be terminated at any time on any of the grounds mentioned in section 14 ; and

(b) a tenant may terminate the tenancy at any time by surrendering his interest as a tenant in favour of the landlord :

Provided that such surrender shall be in writing and shall be verified before the Mamlatdar in the prescribed manner."

3. *Amendment of section 14 of Bom. LXVII of 1948.*—In section 14 of the said Act,—

(1) in sub-section (1), in clause (c), after the words "the land" the words and figures "in contravention of section 27" shall be inserted, and the following proviso shall be added at the end, namely :—

"Provided that no tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this sub-section, unless the landlord gives three months' notice in writing intimating the tenant his decision to terminate the tenancy and the ground for such termination."

(2) sub-section (2) shall be deleted.

4. *Deletion of section 15 of Bom. LXVII of 1948*—Section 15 of the said Act shall be deleted.

5. *Amendment of section 25 of Bom. LXVII of 1948.*—Section 25 of the said Act shall be renumbered as sub-section (1) of the said section, and in the sub section so renumbered,—

(1) after the words "as if the tenancy had not been terminated" the following proviso shall be added, namely :—

"Provided that if the Mamlatdar is satisfied that in consequence of total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Mamlatdar may, for reasons to be recorded in writing, direct that the arrears of rent together with the costs of the proceedings if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period, the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted ;";

(2) for the words "Provided that nothing in this section" the brackets, figure and words "Nothing in this section" shall be substituted.

6. *Amendment of section 27 of Bom. LXVII of 1948.*—In section 27 of the said Act,—

(1) after the proviso to sub-section (1) add the following further proviso, namely :—

"Provided further that if the tenant dies, leaving sons or sons of predeceased sons more than one in number it shall be lawful for such sons and sons of predeceased sons (hereinafter called 'sharers'), notwithstanding anything contained in section 40, to partition and sub-divide the land leased subject to the following conditions :—

(a) Each sharer shall hold his share as a separate tenant.

(b) The rent payable in respect of the land leased shall be apportioned among sharers, as the case may be, according to the share allotted to them.

(c) The area allotted to each sharer shall not be less than the unit which the State Government may, by general or special order, specify in this behalf having regard to the production capacity and other circumstances relevant to the full and efficient use of the land for agriculture.

(d) If any question arises regarding the apportionment of the rent payable by the sharers it shall be decided by the Mamlatdar whose decision shall be final.";

(2) after sub-section (2), the following sub-section shall be added, namely :—

"(3) Notwithstanding anything contained in sub-section (1), it shall also be lawful for a tenant to mortgage, or create a charge on, his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883 (XIX of 1883), the Agriculturists' Loans Act, 1884 (XII of 1884), or the Bombay Non-Agriculturists' Loans Act, 1928 (Bom. III of 1928), and without prejudice to any other remedy open to the State Government in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government to cause his interest in the land to be attached and sold and the proceeds to be applied on payment of such loan."

7. *Amendment of section 32 of Bom. LXVII of 1948.*—In section 32 of the said Act,—

(1) in sub-section (4), after the words "making an inquiry, shall" the words, brackets, figure and letter "subject to the provisions of sub-section (4A)" shall be inserted, and after the words "within the prescribed period" the following shall be added, namely :—

"The protected tenant shall deposit the amount of the price with the Tribunal—

(a) either in a lump sum, or

(b) in such instalments not exceeding ten and at such intervals during a period not exceeding fifteen years and on or before such dates as may be fixed by the Tribunal in each case. The Tribunal shall thereupon cause a written notice of the deposit to be served on the landlord.”;

(2) after sub-section (4), the following shall be inserted, namely :—

“(4A) Notwithstanding anything contained in sub-section (4), the State Government may, by general or special order, determine the rate of the amount of the maximum price for the purchase of any kind of land by tenants who belong to classes declared by the State Government as socially and educationally backward classes or who are the members of the Scheduled Castes or the Scheduled Tribes. In determining such rate, the State Government shall take into consideration the rent payable for the land and other factors specified in sub-section (4) of section 66.”;

(3) in sub-section (5),—

(a) (i) for the words “On such deposit being made” the words “On the deposit of the entire amount of the price” shall be substituted ;

(ii) after the words “interested therein” the following shall be inserted, namely :—

“The Tribunal shall also direct that the entire amount of the price deposited shall be paid to the landlord. If the protected tenant fails to pay the entire amount of the price within the period fixed under sub-section (4) the purchase shall not be effective and the amount deposited by the protected tenant shall be refunded to him.”

and

(b) the following proviso shall be added at the end, namely :—

“provided that until the deposit of the entire amount is made in a lump sum or until the deposit of the last of the instalments is made, the liability of the protected tenant to pay the rent due in respect of the land shall continue and shall not be affected.”;

(4) in sub-section (6), the proviso shall be deleted ;

(5) in clause (b) of sub-section (7), after the words “to be purchased” the words “or the amount of the price or any instalment thereof to be deposited” shall be added ;

(6) after sub-section (7), the following new sub-section shall be inserted, namely :—

“(8) Nothing in section 64 shall affect the right of a protected tenant to purchase under this section the land held by him on lease.”.

8. *Amendment of section 34 of Bom. LXVII of 1948.*—In section 34 of the said Act,—

(1) in sub-section (2), in clause (a), the second proviso shall be deleted ;

(2) after clause (b) the following shall be added, namely :—

“or

(c) to terminate the tenancy of a protected tenant on the ground that the landlord requires the land for cultivating it personally, unless the income by the cultivation of such land will be the main source of the income of the landlord for his maintenance.”;

(3) after sub-section (2), the following new sub-section shall be inserted, namely :—

“(2-A) If the landlord *bona fide* requires the land for any of the purposes specified in sub-section (1) then his right to terminate the tenancy shall be subject to the following conditions, namely :—

(1) The land held by the protected tenant on lease stands in the

record of rights in the name of the landlord on the first day of January 1952 as the superior holder.

(2) If the land held by the landlord is in area equal to the agricultural holding or less, the landlord shall be entitled to terminate the tenancy of the protected tenant in respect of the entire area of such land.

(3) If the land held by the landlord is more than the agricultural holding in area, the right of the landlord to terminate the tenancy of the protected tenant shall be limited to an area which shall, after such termination, leave with the tenant half the area of the land leased.

(4) The tenancy in respect of the land left with the protected tenant after termination under this section shall not at any time be liable to be terminated on the ground that the landlord *bona fide* requires the said land for any of the purposes specified in sub-section (1).

Explanation.—The ‘agricultural holding’ shall mean sixteen acres of jirayat land or four acres of irrigated or paddy or rice land, or lands greater or less in area than the aforesaid areas in the same proportion :

Provided that the State Government may by general or special order direct that the limits of the agricultural holding specified in this section shall for any local area or tract be varied, if the State Government is satisfied that such variation is necessary or expedient in the interest of either the landlord or the tenant or for ensuring the full and efficient use of land for agriculture.”

(4) in sub-section (3), for the words, brackets and figure “If under sub-section (2)” the words, brackets, figures and letter “If under sub-section (2) or (2A)” shall be substituted ;

(5) after sub-section (3), the following shall be added, namely :—

“(4) Nothing in clause (a) of sub-section (2) or in sub-section (2A) shall authorize the termination of the tenancy in such a manner as will result in contravention of the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), or in making any part of the land leased a fragment within the meaning of the said Act.”.

9. *Deletion of section 35 of Bom. LXVII of 1948.*—Section 35 of the said Act shall be deleted.

10. *Amendment of section 36 of Bom. LXVII of 1948.*—In section 36 of the said Act,—

(1) in sub-section (1), the figures and the word “32 or” shall be deleted, and for the words “and two hundred acres specified in either of the said sections” the words and figures “specified in section 34” shall be substituted ;

(2) in sub-section (2), for the words “and two hundred acres specified in the said sections” the words “specified in the said section” shall be substituted.

11. *Amendment of section 44 of Bom. LXVII of 1948.*—In section 44 of the said Act, for the words “for the purpose of improving the economic and social conditions of peasants or” the words “for the said purpose or for the purpose of” shall be substituted.

12. *Amendment of section 45 of Bom. LXVII of 1948.*—Section 45 of the said Act shall be renumbered as sub-section (1) of the said section and after sub-section (1) so renumbered, the following shall be added, namely :—

“(2) Notwithstanding the vesting of the estate in the State Government under sub-section (1), the tenant holding the lands on lease comprised in the estate shall, save as otherwise provided in this Chapter,

continue to have the same rights and shall be subject to the same obligations, as they have or are subject under the preceding Chapters in respect of the lands held by them on lease."

13. *Amendment of section 58 of Bom. LXVII of 1948.*—In section 58 of the said Act, in the second proviso, after the words "for the benefit of the estate" the words and figures "or unless such sale is in favour of a protected tenant under section 32" shall be inserted.

14. *Amendment of section 74 of Bom. LXVII of 1948.*—In section 74 of the said Act, in sub-section (1), after clause (m), the following clause shall be inserted, namely :—

"(mm) an order under section 31."

15. *Amendment of section 74A of Bom. LXVII of 1948.*—For section 74A of the said Act, the following shall be substituted, namely :—

"74A. *Powers of Collector to transfer and withdraw appeals.*—The Collector may, after due notice to the parties, by order in writing,—

(a) transfer any appeal pending before him or before any Assistant or Deputy Collector subordinate to him to any Assistant or Deputy Collector specified in such order, performing the duties and exercising the powers of a Collector and upon such transfer the Assistant Collector or the Deputy Collector, as the case may be, shall have power to hear and decide the appeal as if it was originally filed to him ; or

(b) withdraw any appeal pending before any Assistant or Deputy Collector and himself hear and decide the same."

16. *Amendment of section 88 of Bom. LXVII of 1948.*—In section 88 of the said Act,—

(1) in sub-section (1).—

(a) for clause (c), the following shall be substituted, namely :—

"(c) to any area within the limits of Greater Bombay, within the limits of the municipal corporations constituted under the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), within the limits of the municipal boroughs constituted under the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), and within the limits of any cantonment, or";

(b) the following proviso shall be added, namely :—

"Provided that nothing in this sub-section shall apply to any lands forming part of an estate taken under management by and vesting in the State Government under Chapter IV, or to the lands taken under management temporarily by the Civil, Revenue or Criminal Courts by themselves or through the receivers appointed by them, till the decision of the title of the rightful owner."

(2) after sub-section (1), the following new sub-section shall be inserted, namely :—

"(1A) A protected tenant whose name stands entered as an owner in the record of rights on the first day of January 1952 in respect of any land fifty acres or more of jirayat or twelve and half acres or more of irrigated land in area in addition to the land held by him on lease as a protected tenant shall not be entitled to any rights or privileges conferred on a protected tenant by the provisions of section 32 or 34."

The Bombay Agricultural Debtors Relief (Mehwassi Estates and Akrani Mahal (Amendment) Regulation, 1952.

The following Regulation made by the Governor of Bombay in exercise of the powers conferred on him by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, has been assented to by the President on 31st December 1952 and was published in the *Bombay*

Government Gazette, Part IV, dated the 27th January, 1953.

Regulation No. II of 1952.

A Regulation to amend the Bombay Agricultural Debtors Relief Act, 1947, in its application to the Mehwasssi Estates and Akrani Mahal which are Scheduled Areas in the West Khandesh District in the State of Bombay.

WHEREAS it is necessary to amend the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), in its application to the Mehwasssi Estates and Akrani Mahal which are Scheduled Areas in the West Khandesh District in the State of Bombay, for the peace and good government of the said areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following Regulation, namely :—

1. *Short title, extent and commencement.*—(1) This Regulation may be called the Bombay Agricultural Debtors Relief (Mehwasssi Estates and Akrani Mahal) (Amendment) Regulation, 1952.

(2) It extends to the Akrani Mahal and the territory of the Mehwasssi Estates specified in the Schedule.

(3) It shall come into force at once.

2. *Application of Bombay Agricultural Debtors Relief Act with modification.*—The Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947) (hereinafter referred to as the said Act) as amended in its application to the Akrani Mahal and the Mehwasssi Estates by Government Notification in the Revenue Department, No. L. A 140/46, dated the 21st April 1949, issued under section 92 of the Government of India Act, 1935, shall be further amended as follows, namely :—

For clause (3) of section 2 of the said Act as so amended the following shall be substituted, namely :—

“(3) ‘Court’ means the court of the Civil Judge (Senior Division), having ordinary jurisdiction in the area where the debtor ordinarily resides and if there is no such Civil Judge, the court of the Civil Judge (Junior Division), having such jurisdiction and includes any court to which an application may be referred to for disposal under section 13A.”

SCHEDULE.

The villages belonging to the following Mehwasssi Chiefs in the West Khandesh District :—

- (1) The Parvi of Kathi,
- (2) The Parvi of Nal,
- (3) The Parvi of Singapur,
- (4) The Walvi of Gaohali,
- (5) The Wassawa of Chikhli,
- (6) The Parvi of Navalpur.

Published in *Bombay Government Gazette*, Pt. IV, dated 13th December, 1952.
The Bombay Rents, Hotel and Lodging House Rates Control (Amendment Ordinance, 1952.

Ordinance No. 1 of 1952

An Ordinance to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

WHEREAS both the Houses of the Legislature of the State of Bombay are not in session ;

AND WHEREAS the Governor of Bombay is satisfied that circumstances exist which render it necessary for him to take immediate action

for the purpose of amending the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), in the manner hereinafter appearing ;

AND WHEREAS the instructions of the President under the proviso to clause (1) of Article 213 of the Constitution have been obtained ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Bombay is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*— (1) This Ordinance may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, 1952.

(2) It shall come into force at once.

2. *Amendment of section 4 of Bom. LVII of 1947.*—In section 4 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), after sub-section (3), the following sub-section shall be added and be deemed always to have been added, namely :—

“(4) The expression ‘premises belonging to the Government or a local authority’ in sub-section (1) shall, notwithstanding anything contained in the said sub-section or in any judgment, decree or order of a court, not include a building erected on any land held by any person immediately from the Government or a local authority, and notwithstanding anything contained in section 15, such person shall be entitled to create a tenancy in respect of such building or part thereof.”

STATEMENT

The Supreme Court in its judgment on a case before it has decided that the premises which are on land taken on lease from the Bombay Municipal Corporation, should be held as belonging to the local authority and that under section 4 (1) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, such premises were exempt from the operation of the Act. The interpretation put by the Supreme Court on the lease would lead to the exclusion from the Act of all the numerous premises built on lands leased from Government or a local authority and would deprive thousands of people from the benefits of the Act and make them victims of the evils of puggree, unrestricted rents, wanton eviction, etc. In order to avoid unnecessary complications which may arise in consequence of the Supreme Court's judgment, it is necessary to take immediately steps to amend section 4 of the Act suitably, so that the provisions of the Act will definitely cover premises erected on lands leased from Government or a local authority. This Ordinance seeks therefore to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purpose mentioned above.

Bombay, 12th December 1952.

G. S. BAJPAI,
Governor of Bombay.

Published in *Bombay Government Gazette*, Pt. IV, dated 22nd December, 1952.

The Bombay Sales Tax (No 1) Ordinance, 1952.

Ordinance No. II of 1952.

An Ordinance to amend the Bombay Sales Tax Act, 1946.

WHEREAS the Legislature of the State is not in session and the Governor of Bombay is satisfied that circumstances exist which render it necessary for him to declare the repeal of the Bombay Sales Tax Act, 1946 (Bom. V of 1946), by the Bombay Sales Tax Act, 1952 (Bom. XXIV of 1952), and certain provisions of the Bombay Merged States (Laws) Act,

1950 (Bom. IV of 1950), relating to the said Bombay Sales Tax Act, 1946 (Bom. V of 1946), as inoperative and to amend the said Bombay Sales Tax Act, 1946 (Bom. V of 1946), for the purposes hereinafter appearing ;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution have been obtained ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, the Governor of Bombay is pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*— (1) This Ordinance may be called the Bombay Sales Tax (No. 1) Ordinance, 1952.

(2) It shall come into force at once.

2. *Repeal of Bom. V of 1946 to be inoperative.*—It is hereby declared that the repeal of the Bombay Sales Tax Act, 1946 (Bom. V of 1946), (hereinafter called 'the said Act') and the entries relating to the said Act in the third Schedule to the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), purported to have been made by section 47 of the Bombay Sales Tax Act, 1952 (Bom. XXIV of 1952), shall be inoperative and shall always be deemed to have been inoperative, and the said Act and the said entries shall be deemed to have continued to be in force upto and inclusive of the 1st day of November 1952.

3. *Amendment of section 2 and addition of section 30 in Bom. V of 1946.*—The following amendment and addition shall be made and shall always be deemed to have been made in the said Act as so continued in force, with effect from the 26th day of January 1950, namely :—

(1) in clause (g) of section 2 of the said Act, for the words "any transfer of property in" the words "a sale of" shall be substituted ; and

(2) after section 29 of the said Act, the following section shall be added, namely :—

"30. *Act and rules not deemed to impose or authorise taxation in certain cases.*—Nothing contained in this Act or the rules made thereunder shall be deemed to apply to any sale or purchase of any goods, or to impose or authorise the imposition of a tax on any sale or purchase of any goods, where such sale or purchase takes place—

(a) (i) outside the State of Bombay, or

(ii) in the course of the import of the goods into the territory of India or of the export of the goods out of such territory, or

(b) after the 31st day of March 1951 in the course of inter-State trade or commerce,

and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation—For the purposes of clause (a) (i), a sale or purchase shall be deemed to have taken place in the State in which the goods have actually been delivered as a direct result of such sale or purchase for the purpose of consumption in that State, notwithstanding the fact that under the general law relating to sale of goods the property in the goods has by reason of such sale or purchase passed in another State."

STATEMENT

In Miscellaneous Application No. 289 of 1952 [In the matter of United Motors (India) Ltd and others vs. The State of Bombay and another], the High Court of Bombay held that the Bombay Sales Tax Act, 1952, was *ultra vires*. The petition for leave to appeal to the Supreme Court against the said decision has been granted. But in view of the said decision it is necessary first to make clear the position in respect of the Bombay Sales

ex Act, 1946. As the Bombay State Legislature is not in session and as it is necessary to take immediate steps in the matter, this Ordinance is promulgated.

Bombay, 22nd December 1952.

G. S. BAJPAI,
Governor of Bombay.

The Bombay (Supplementary) Appropriation Act, 1953.

The following Act of the Bombay Legislature received the assent of the Governor on the 13th March 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 13th March 1953.

Bombay Act No. I of 1953.

An Act to authorise payment and appropriation of certain further sums, from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1953.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1953; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay (Supplementary) Appropriation Act, 1953.

2. *Issue of Rs. 13,91,26,789 out of the Consolidated Fund of the State of Bombay for the year 1952-53.*—From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 13,91,26,789 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1953, in respect of the services and purposes specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1953.

SCHEDULE

[For the Schedule, see *Bombay Government Gazette*, 1953, Part IV, pages 11-13—*Editor*.]

The Land Acquisition (Bombay Amendment) (Amendment) Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 14th March 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 16th March 1953.

Bombay Act No. II of 1953.

An Act to amend the Land Acquisition (Bombay Amendment) Act, 1948.

WHEREAS it is expedient to amend the Land Acquisition (Bombay Amendment) Act, 1948 (Bom. IV of 1948), for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Land Acquisition (Bombay Amendment) (Amendment) Act, 1953.

2. *Amendment of section 1 of Bom. IV of 1948.*—In sub-section (4) of section 1 of the Land Acquisition (Bombay Amendment) Act, 1948 (Bom. IV of 1948), for the words "five years" the words "ten years" shall be substituted.

The Bombay Sales Tax Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 24th March 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 25th March 1953.

Bombay Act No. III of 1953.

An Act to consolidate and amend the law relating to the levy of the tax on the sale or purchase of goods in the State of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of the tax on the sale or purchase of goods in the State of Bombay : It is hereby enacted as follows :—

CHAPTER I

Preliminary

1. *Short title, extent, commencement and duration* —(1) This Act may be called the Bombay Sales Tax Act, 1953.
- (2) It extends to the whole of the State of Bombay.
- (3) It shall come into force at once and shall continue in force up to the 31st day of March 1954.

Notes

Object.—“In Miscellaneous Application No. 289 of 1952 (In the matter of United Motors (India) Ltd. and others *vs.* The State of Bombay and another) the High Court of Bombay held that the Bombay Sales Tax Act, 1952, was *ultra vires*. An appeal against the said decision has been made to the Supreme Court, and after hearing the judgment has been reserved. As the Bombay State Legislature was not in session at the time of the decision of the High Court, and it was necessary to take immediate action in the matter, the Governor of Bombay promulgated the Bombay Sales Tax (No. 2) Ordinance, 1952, on the 24th December 1952. In view of the limited period for which the said Ordinance would be operative, it is now necessary to re-enact its provisions as a temporary Act.

2. As the Government of India has, with effect from 1st April 1953, terminated the arrangement under which the State Government was receiving compensation in consideration of not levying any tax on tobacco, it is proposed to take the opportunity to withdraw the exemption from general tax in respect of sales of tobacco (entry 47 of Schedule I), and to levy a special tax at nine pies in the rupee on sales of cigars, cheroots and pipe tobacco (*vide* entry 19 of Schedule II) from the said date. The estimated yield from this source is Rs. 45 lakhs as against Rs. 54 lakhs which was received as compensation from the Government of India.” [*Vide* Statement of Objects and Reasons, printed in the *Bombay Government Gazette*, 1953, Part V, page 146.]

2. *Definitions.*—In this Act unless there is anything repugnant in the subject or context,—

(1) “agriculture” with its grammatical variations includes horticulture, the raising of crops, grass or garden produce, and grazing, but does not include dairy farming, poultry farming, stock breeding and mere cutting of wood ;

(2) “agriculturist” means a person who cultivates land personally ;

(3) “to cultivate” with its grammatical variations and cognate expressions means to carry on any agricultural operation ;

(4) “to cultivate personally” means to cultivate on one’s own account—

(i) by one’s own labour, or

(ii) by the labour of one’s own family, or

(iii) by servants on wages payable in cash or kind but not in crop

share, or by hired labour under one's personal supervision or the personal supervision of any member of one's family ;

Explanation I.—A person who is a widow or a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour ;

Explanation II.—In the case of an undivided Hindu family the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family ;

(5) "Collector" means the Collector of Sales Tax appointed under section 3 ;

(6) "dealer" means any person who carries on the business of selling goods in the State of Bombay, whether for commission, remuneration or otherwise and includes a State Government which carries on such business and any society, club or association which sells goods to its members ;

Explanation.—The manager or agent of a dealer who resides outside the State of Bombay and carries on the business of selling goods in the State of Bombay shall, in respect of such business, be deemed to be a dealer for the purposes of this Act ;

Exception.—An agriculturist who sells exclusively agricultural produce grown on land cultivated by him personally shall not be deemed to be a dealer within the meaning of this clause ;

(7) "general tax" means the tax leviable under section 5 ;

(8) "goods" means all kinds of movable property other than newspapers, actionable claims, stocks, shares and securities, and includes all materials, articles and commodities ;

(9) "licensed dealer" means a dealer who holds a licence granted under section 12 ;

(10) "prescribed" means prescribed by rules ;

(11) "registered dealer" means a dealer registered under section 9 ;

(12) "rules" means rules made under this Act ;

(13) "sale" means a sale of goods made within the State of Bombay for cash or deferred payment or other valuable consideration and includes any supply by a society or club or an association to its members on payment of price or on fees or subscription, but does not include a mortgage, hypothecation, charge or pledge ; the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions shall be construed accordingly ;

• • *Explanation.*—Notwithstanding anything contained in the Indian Sale of Goods Act, 1930 (III of 1930), the sale of any goods which have actually been delivered in the State of Bombay as a direct result of such sale for the purpose of consumption in the said State, shall be deemed for the purposes of this Act to have taken place in the said State, notwithstanding the fact that the property in the goods has, by reason of such sale, passed in another State ;

(14) "sale price" means the amount payable to a dealer as valuable consideration for the sale of any goods, less any sum allowed as cash discount according to trade practice, but including any sum charged for anything done by the dealer in respect of goods at the time of or before delivery thereof, other than the cost of freight or delivery or the cost of installation when such cost is separately charged ;

(15) "Schedule" means a schedule appended to this Act ;

(16) "special goods" means goods specified in column 1 of Schedule II ;

(17) "special tax" means the tax leviable under section 10 ;

(18) 'tax' means the general tax, special tax or purchase tax payable under the provisions of this Act ;

(19) "Tribunal" means the Tribunal constituted under section 4 ;

(20) "turnover" means the aggregate of the amounts of sale price received and receivable by a dealer in respect of any sale of goods made during a given period after deducting the amount, if any, refunded by the dealer to a purchaser, in respect of any goods purchased and returned by the purchaser within the prescribed period ; and

(21) "year" means the financial year.

CHAPTER II.

Sales-tax Authorities and Tribunal.

3. *Taxing authorities.*—(1) For carrying out the purposes of this Act the State Government may appoint any person to be a Collector of Sales Tax, and such other persons to assist him as the State Government thinks fit.

(2) A person appointed under sub-section (1) shall, within the limits of the area specified to be within his jurisdiction, exercise such powers as may be conferred and perform such duties as may be imposed on him by or under this Act.

4. *Tribunal* —(1) The State Government shall constitute a Tribunal to exercise the functions conferred on it by or under this Act.

(2) The Tribunal shall consist of not more than three persons possessing such qualifications as may be prescribed.

(3) Where the Tribunal consists of three members, any two members of the Tribunal shall form the quorum for the disposal of its business.

(4) Any vacancy in the membership of the Tribunal shall be filled up by the State Government as soon as practicable.

(5) Subject to the previous sanction of the State Government, the Tribunal shall frame regulations consistent with the provisions of this Act and the rules for regulating its procedure and the disposal of its business.

(6) The regulations made under sub-section (5) shall be published in the *Official Gazette*.

CHAPTER III.

General Tax.

5. *General tax.*—(1) Subject to the provisions of section 8 every dealer,—

(a) who immediately prior to the date of commencement of this Act was liable to pay the general tax under the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952), or

(b) whose turnover in respect of all sales exceeds Rs. 30,000 during the year commencing on the 1st day of April 1952,

shall be liable to pay the general tax at the rates specified in sub-section (1) of section 6 on his taxable turnover in respect of sales of goods made on or after the date of commencement of this Act :

Provided that a dealer to whom clause (a) does not apply but clause (b) applies shall not be liable to pay the general tax in respect of his turnover up to Rs. 30,000, as computed from the first day of April 1952.

(2) Every dealer to whom sub-section (1) does not apply shall be liable to pay the general tax from the first day of April of the year during which his turnover in respect of all sales exceeds the limit specified in the said sub-section :

Provided that such dealer shall not be liable to pay the general tax during such year in respect of his turnover up to the limit specified in sub-section (1).

(3) Every dealer who has become liable to pay the general tax shall

continue to be so liable until the expiry of the year during which his turnover in respect of all sales has failed to exceed the limit specified in sub-section (1) ; and such further period after the date of such expiry as may be prescribed and on the expiry of the latter period his liability to pay the general tax shall cease.

(4) Every dealer whose liability to pay the general tax has ceased under the provisions of sub-section (3) shall again be liable to pay the said tax with effect from the first day of April of the year during which his turnover in respect of all sales again exceeds the limit specified in sub-section (1) :

Provided that such dealer shall not be liable to pay the general tax during such year in respect of his turnover up to the limit specified in sub-section (1).

(5) The general tax payable by a dealer under this section shall be in addition to the tax payable on special goods under section 10.

6. *Levy and rate of general tax.*—(1) The general tax payable by a dealer shall be levied at the rate of three pies in the rupee on his taxable turnover in respect of sales of goods.

Provided that the general tax shall, subject to such conditions and restrictions as may be prescribed, be levied on the taxable turnover of a dealer in respect of sales of bullion or specie at the rate of one-fourth per cent

(2) The Collector may, in such circumstances and subject to such conditions as may be prescribed, accept from any dealer in lieu of the amount of the general tax payable during any period a lump sum by way of composition determined in the prescribed manner.

7. *Taxable turnover for purpose of general tax.*—The taxable turnover for the purposes of sub-section (1) of section 6 shall be determined in the following manner, namely :—

(i) From the turnover of the dealer in respect of all sales of goods during any period of his liability to pay the general tax, there shall first be deducted his turnover in respect of—

(a) sales of any goods declared from time to time as tax free under section 8, and

(b) such other sales as may be prescribed.

(ii) From that part of the balance remaining after making deductions under clause (i) which is in respect of sales of goods other than bullion and specie, there shall be deducted one-sixty-fifth part of such balance.

(iii) The balance remaining after making deductions under clauses (i) and (ii) shall be the taxable turnover for the purposes of sub-section (1) of section 6.

8. *Goods free from general tax.*—(1) No general tax shall be payable on the sales of goods specified in column 1 of Schedule I subject to the conditions and exceptions, if any, set out in the corresponding entry in column 2 thereof.

Provided that the exemption in respect of entry 47 of the said Schedule (tobacco in any form whether manufactured or not) shall not be operative on and after the 1st day of April 1953.

(2) The State Government, may, by notification published in the *Official Gazette*, add to or enlarge any entry in the said Schedule or relax or omit any of the conditions or exceptions, specified in the said Schedule, and thereupon the said Schedule shall be deemed to have been amended accordingly.

9. *Registration of dealers.*—(1) No dealer shall, while being liable to pay the general tax, carry on business as a dealer unless he has applied for registration within such period as may be prescribed :

Provided that for the purposes of this sub-section the turnover shall be calculated without making the deductions referred to in section 7.

(2) Every dealer required by sub-section (1) to apply for registration shall make an application in that behalf in the prescribed manner to the prescribed authority.

(3) If the prescribed authority is satisfied that an application for registration is in order, it shall, in accordance with such rules as may be prescribed, register the applicant and grant him a certificate of registration in the prescribed form.

(4) The prescribed authority may, from time to time, amend any certificate of registration after considering the information furnished under section 25 or otherwise received.

(5) When any dealer has been convicted under section 36 or has paid composition money under section 39 in respect of any contravention of sub-section (1), the prescribed authority shall register such dealer and grant him a certificate of registration and such registration shall take effect as if it had been made under sub-section (3) on the dealer's application.

(6) When—

(a) any business in respect of which a certificate has been granted under this section has been discontinued or transferred, or

(b) the turnover of any such business has during any year failed to exceed the limit specified in sub-section (1) of section 5 and the dealer has applied in the prescribed manner for cancellation of his registration, the prescribed authority shall cancel the registration with effect from the prescribed date.

(7) Every dealer whose registration under the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952), was in force, immediately prior to the date of commencement of this Act, shall notwithstanding anything contained in sub-section (2) be deemed to be duly registered under sub-section (3).

CHAPTER IV.

Special Tax.

10. *Incidence and rate of special tax.*—(1) Every dealer,—

(a) who immediately prior to the date of commencement of this Act was liable to pay the special tax under the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952), or

(b) whose turnover in respect of all sales of special goods exceeds Rs. 5,000 during the year commencing on the 1st day of April 1952, shall be liable to pay a special tax at the rates specified against them in column 2 of Schedule II on his taxable turnover in respect of sales of special goods made on or after the date of commencement of this Act :

Provided that a dealer to whom clause (a) does not apply, but clause (b) applies shall not be liable to pay the special tax in respect of his turnover of sales of special goods up to Rs. 5,000 as computed from the first day of April 1952.

(2) The special tax payable by a dealer under this section shall be paid in addition to the general tax, if any, payable by such dealer under section 5

(3) Every dealer to whom sub-section (1) does not apply shall be liable to pay the special tax under this section with effect from the first

day of April of the year during which his turnover in respect of all sales of special goods exceeds the limit specified in sub-section (1) :

Provided that such dealer shall not be liable to pay the special tax during such year in respect of his turnover of sales of special goods up to the limit specified in sub-section (1).

(4) Every dealer who has become liable to pay the special tax shall continue to be so liable until the expiry of the year during which his turnover in respect of all sales of special goods has failed to exceed the limit specified in sub-section (1) and such further period after the date of such expiry as may be prescribed and on the expiry of this latter period his liability to pay the special tax shall cease.

(5) Every dealer whose liability to pay the special tax has ceased under the provisions of sub-section (4) shall again be liable to pay the special tax with effect from the first day of April of the year during which his turnover in respect of all sales of special goods again exceeds the limit specified in sub-section (1) :

Provided that such dealer shall not be liable to pay the special tax under this section during such year in respect of his turnover of sales of special goods up to the limit specified in sub-section (1).

(6) The State Government may by notification in the *Official Gazette* omit any of the entries in Schedule II or part thereof or reduce the rate of tax specified in the second column of the said Schedule in respect of any of the said entries or part thereof and where the rate of tax is so reduced the State Government shall vary correspondingly the deduction specified in the third column of the said Schedule.

11. Taxable turnover for the purpose of special tax.—The taxable turnover for the purposes of sub-section (1) of section 10 shall be determined in the following manner, namely :—

(i) From the turnover of the dealer in respect of all sales of special goods during any period of his liability to pay the special tax there shall first be deducted his turnover in respect of—

(a) sales of goods purchased by him as special goods on or after the 1st day of November 1952 at a place in the State of Bombay from a dealer holding a licence under section 12 of the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952), or under section 12 of this Act, provided that such goods have not been processed or altered by him in any manner ; and

(b) such other sales as may be prescribed :

Provided that for the purpose of this clause the turnover in respect of sales of goods specified in entry 19 of Schedule II during the period from the date of commencement of this Act to the 31st day of March 1953 shall also be deducted from the turnover of the dealer.

Explanation —If a dealer liable to pay the special tax transfers the ownership of the whole or any part of his business the stock of goods transferred along with such business shall not for the purpose of sub-clause (a) be deemed to be purchased by the transferee and the purchase of such goods by the transferor shall be deemed to be the purchase by the transferee.

(ii) From the balance remaining after making the deductions under clause (1) there shall be deducted such part of the balance as is specified in column 3 of Schedule II against each of the special goods and the remainder shall be the taxable turnover for the purposes of sub-section (1) of section 10.

12. Dealer to obtain licence.—(1) No dealer shall, while being liable to

pay the special tax, carry on business as such dealer unless he has applied for a licence within such period as may be prescribed :

Provided that for the purposes of this sub-section the turnover in respect of all sales of special goods shall be calculated without making the deductions referred to in section 11.

(2) Every dealer required by sub-section (1) to apply for a licence shall make an application in that behalf to the prescribed authority in the prescribed manner.

(3) If the prescribed authority is satisfied that an application for licence is in order, it shall grant a licence to the applicant in such form and for such period and subject to such conditions as may be prescribed.

(4) Any licence granted under sub-section (3) shall from time to time be renewable in the prescribed manner for such period as may be prescribed.

(5) A licence under this section shall be granted or renewed on payment of such fee not exceeding Rs. 5 as may be prescribed.

(6) When—

(a) any business in respect of which a licence has been granted under this section has been discontinued or transferred, or

(b) the turnover of any such business has during any year failed to exceed Rs. 5,000 and the licensed dealer has applied in the prescribed manner for cancellation of his licence, the prescribed authority shall cancel the licence with effect from the prescribed date.

(7) Every dealer who was holding a licence granted or deemed to have been granted under the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952), immediately prior to the date of commencement of this Act shall notwithstanding anything contained in sub-section (2) be deemed to be a dealer holding a licence duly granted under sub-section (3).

CHAPTER V

Returns, assessment, payment, recovery and refund of the tax and levy of tax on purchases.

13. Returns.—(1) Every registered dealer and every licensed dealer and every other dealer liable to pay the tax as may be required so to do by the Collector by notice served in the prescribed manner shall furnish such returns by such dates and to such authority as may be prescribed :

Provided that the Collector may, subject to such terms and conditions as may be prescribed, permit any dealer required to furnish returns under this section, to furnish them for such different periods as he may direct.

(2) If any dealer having furnished returns under sub-section (1) discovers any omission or wrong statement therein, he may furnish a revised return before the expiry of three months next following the period to which such return relates.

14. Assessment of taxes.—(1) The amount of the tax due from a registered or a licensed dealer shall be assessed separately for each year during which he is liable to pay the tax :

Provided that when a dealer has failed to furnish any return relating to any period in a year by the prescribed date, the Collector may, if he thinks fit, assess the tax due from such dealer separately for different parts of such year :

Provided further that the Collector may, subject to such conditions as may be prescribed, and for reasons to be recorded in writing, assess the tax due from any dealer during a part of a year.

(2) If the Collector is satisfied without requiring the presence of a dealer or the production by him of any evidence that the returns furnished in respect of any period are correct and complete, he shall assess the amount of the tax due from the dealer on the basis of such returns.

(3) (a) If the Collector is not satisfied without requiring the presence of a dealer who has furnished his returns or the production of evidence that the returns furnished in respect of any period are correct and complete, he shall serve on such dealer a notice in the prescribed manner requiring him, on a date and at a place specified therein either to attend in person or to produce or to cause to be produced any evidence on which such dealer may rely in support of such returns or such other evidence as may be specified in such notice.

(b) On the date specified in the notice or as soon afterwards as may be, the Collector shall, after considering such evidence as the dealer may produce and such other evidence as the Collector may require on specified points, assess the amount of the tax due from the dealer.

(4) If a dealer having furnished returns in respect of a period fails to comply with the terms of the notice issued under sub-section (3), the Collector shall assess, to the best of his judgment, the amount of the tax due from the dealer.

(2) If a dealer does not furnish returns in respect of any period by the prescribed date the Collector shall, after giving the dealer a reasonable opportunity of being heard, assess, to the best of his judgment, the amount of the tax, if any, due from the dealer.

(6) If upon information which has come into his possession, the Collector is satisfied that any dealer has been liable to pay the tax in respect of any period but has failed to apply for registration or licence, the Collector shall, after giving the dealer a reasonable opportunity of being heard, assess, to the best of his judgment, the amount of the tax, if any, due from the dealer in respect of such period and all subsequent periods.

(7) In cases where the Collector, while making an assessment under sub-section (6), is satisfied that the dealer has wilfully failed to apply for registration or for the grant of a licence, the Collector may direct the dealer to pay by way of penalty, in addition to the amount of the tax assessed under sub-section (6), a sum not exceeding one and half times that amount.

(8) Any assessment made under this section shall be without prejudice to any prosecution for an offence under this Act.

15. Turnover escaping assessment — If in consequence of any information which has come into his possession the Collector is satisfied that any turnover in respect of sales of any goods chargeable to the tax has escaped assessment in any year or has been under-assessed or assessed at a lower rate or any deductions have been wrongly made therefrom, the Collector may, in any case where he has reason to believe that the dealer has concealed the particulars of such sales or has knowingly furnished incorrect returns, at any time within five years, and in any other case, at any time within three years, of the end of that year, serve on the dealer liable to pay the tax in respect of such turnover a notice containing all or any of the requirements which may be included in a notice under sub-section (3) of section 14 and may proceed to assess or re-assess the amount of the tax due from such dealer and the provisions of this Act shall apply accordingly as if the notice were a notice served under that sub-section :

Provided that the amount of the tax shall be assessed after making the deductions permitted from time to time under the Bombay Sales Tax

Act, 1946 (Bom. V of 1946), the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952) and this Act, as the case may be, at the rates at which it would have been assessed had the turnover not escaped assessment or full assessment, as the case may be :

Provided further that where in respect of such turnover or deduction, as the case may be, an order has already been passed under section 30 or section 31, the Collector shall make a report to the appropriate appellate or revising authority, as the case may be, which shall thereupon after giving the dealer concerned a reasonable opportunity of being heard ; pass such order as it deems fit.

•16. *Payment and recovery of tax.*—(1) The tax shall be paid in the manner hereinafter provided at such intervals as may be prescribed.

(2) Before any registered or licensed dealer furnishes the returns required by sub-section (1) of section 13, he shall, in the prescribed manner, pay into a Government treasury the full amount of the tax due from him according to such returns.

(3) Before any registered dealer or licensed dealer furnishes a revised return in accordance with sub-section (2) of section 13 which shows a greater amount of tax to be due than was payable in accordance with the original return, he shall pay into a Government treasury the extra amount of the tax.

(4) If the tax is not paid by any dealer within the prescribed time, the dealer shall pay, by way of penalty in addition to the amount of tax, a sum equal to three-fourths per cent. of the amount of the tax for every month after the expiry of the prescribed period during which he continues to make default in the payment of the tax.

(5) (i) The amount of tax—

(a) due where the returns are furnished without full payment thereof, or

(b) assessed for any period under section 14 or under section 15 less the sum, if any, already paid by the dealer in respect of such period, or

(ii) the amount of the penalty payable under sub-section (4), shall be paid by the dealer into a Government treasury by such date as may be specified in a notice issued by the Collector for this purpose and the date to be so specified shall be not less than thirty days from the date of service of such notice :

Provided that the Collector may, in respect of any particular dealer and for reasons to be recorded in writing, extend the date of such payment or allow such dealer to pay the tax due and the penalty, if any, by instalments.

(6) Any amount of the tax together with the penalty, if any, which remains unpaid after the date specified in the notice issued under sub-section (5) shall be recoverable as an arrear of land revenue.

17. *Special mode of recovery.*— 1) Notwithstanding anything contained in any law or contract to the contrary, the Collector may, at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the dealer at his last address known to the Collector, require—

(a) any person from whom any amount is due or may become due to a dealer on whom a notice has been served under sub section (5) of section 16, or

(b) any person who holds or may subsequently hold money for or on account of such dealer, to pay to the Collector, either forthwith upon the money becoming due or being held, or at or within the time specified in the notice (not being

before the money becomes due or it is held), so much of the money as is sufficient to pay the amount due by the dealer in respect of arrears of the tax and penalty under this Act or the whole of the money when it is equal to or less than that amount.

Explanation.—For the purposes of this sub section, the amount due to a dealer or money held for or on account of a dealer by any person shall be computed after taking into account such claims, if any, as may have fallen due for payment by such dealer to such person and as may be lawfully subsisting.

(2) The Collector may at any time or from time to time amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

(3) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer and the receipt of the Collector shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount referred to in the receipt.

(4) Any person discharging any liability to the dealer after receipt of the notice referred to in this section shall be personally liable to the Collector to the extent of the liability discharged or to the extent of the liability of the dealer for tax and penalties, whichever is less.

(5) Where a person to whom a notice under this section is sent proves to the satisfaction of the Collector that the sum demanded or any part thereof is not due to the dealer or that he does not hold any money for or on account of the dealer, then, nothing contained in this section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, to the Collector.

(6) Any amount of money which a person is required to pay to the Collector or for which he is personally liable to the Collector under this section shall, if it remains unpaid, be recoverable as an arrear of land revenue.

18. *Purchase tax.*—(1) In the case of such goods as may be notified by the State Government in the *Official Gazette* from time to time, which have been despatched or brought from any place in India outside the State of Bombay and are actually delivered as a direct result of a sale to a buyer in the State of Bombay for consumption therein, the buyer shall be liable to pay the tax on the purchase of such goods at the rate of three pies in the rupee and if such goods are special goods he shall also be liable to pay an additional tax at the rate specified in column 2 of Schedule II, unless the buyer produces a declaration made by the seller of such goods in the prescribed form certifying that the seller is a registered dealer or a licensed dealer, as the case may be, and shall pay the tax on such sale in due course.

(2) Every buyer to whom sub-section (1) applies, shall furnish the prescribed authority with a statement in the prescribed form within the prescribed time regarding such purchases by him and shall also pay the tax in the prescribed manner, or produce a declaration of the seller, if any.

(3) The provisions of sub-sections (5) and (6) of section 16, and the provisions of section 17 shall apply to any amount of the tax payable under this section.

19. *Refunds.*—The Collector shall, in the prescribed manner, refund, to a dealer applying in this behalf any amount of the tax paid by such dealer in excess of the amount due from him either by cash payment or

at the option of the dealer by deduction of such excess from the amount of the tax due in respect of any other period :

Provided that no claim to refund of the tax paid shall be allowed unless it is made within 24 months from the date on which the order of assessment was passed or within 12 months of the final order passed on appeal, revision, or reference in respect of the order of assessment, whichever period is later :

Provided further that the Collector shall first apply the excess paid in respect of any period towards the recovery of any amount in respect of which a notice under sub-section (5) of section 16 may have been issued and shall then refund the balance remaining, if any.

20. Remission of tax.—The Collector may, subject to such conditions as may be prescribed, remit the whole or part of the amount of the tax payable in respect of any period by any registered or licensed dealer who has suffered financially on account of riots or through natural calamities :

Provided that if the amount to be remitted exceeds Rs 2,000 the remission shall not be made without the previous sanction of the State Government.

21. Prohibition against collection of tax in certain cases.—(1) No person shall collect any amount by way of general tax in respect of sales of any goods which are declared, from time to time, under section 8 as sales on which such tax is not payable.

(2) No person selling any goods shall collect from the purchaser any amount by way of the tax unless he is a registered dealer or a licensed dealer and is liable to pay the tax in respect of such sale :

Provided that this sub-section shall not apply in cases where a person is required to collect such amount of the tax separately in order to comply with the conditions and restrictions imposed on him under the provisions of any law for the time being in force.

(3) Every registered dealer whose turnover in respect of all sales exceeds Rs. 60,000 in a year shall issue a bill or cash memorandum in respect of all goods sold by him, and every licensed dealer shall issue a bill or cash memorandum in respect of any special goods sold by him, signed and dated by him or his servant, manager or agent, to the purchaser in respect of the goods sold by him showing the particulars of the goods and the price at which the goods are sold and shall keep the counterfoil or duplicate of such bill or cash memorandum duly signed and dated and preserve it for a period of not less than three years from such date.

(4) If any person collects any amount by way of the tax in contravention of the provisions of sub-section (1) or (2) or if any registered dealer or licensed dealer collects any amount by way of the tax in excess of the amount payable by him, the amounts so collected shall, without prejudice to any prosecution that may be instituted against such person or dealer for any offence under this Act, be forfeited to the State Government and such person or dealer, as the case may be, shall, within the prescribed period, pay such amount into a Government treasury and in default of such payment, the amount shall be recovered as an arrear of land revenue.

(5) If any person to whom sub section (3) applies contravenes the provisions of the said sub-section, then he shall be liable to a fine equal to double the amount of the bill or cash memorandum in respect of which such contravention has occurred or Rs. 100, whichever is less.

CHAPTER VI.

Liability to produce accounts, to supply information and to pay the tax in the case of transfer of business.

22. *Accounts.*—(1) Every registered dealer and every licensed dealer or any person liable to pay the tax and every other dealer who is required so to do by the Collector by notice served in the prescribed manner shall keep a true account of the value of the goods bought and sold by him, and if the Collector considers that such account is not sufficiently clear and intelligible to determine whether or not such dealer or any person is liable to pay the tax during any period, or to make a proper scrutiny of the returns or statements furnished by him, the Collector may require such dealer or person by notice in writing to keep such accounts (including records of sales or purchases) necessary for the purposes of proper assessment as he may, subject to anything that may be prescribed in that behalf, in writing direct.

(2) The Collector may, subject to such conditions or restrictions as may be prescribed in this behalf, by notice in writing direct any dealer or by notification in the *Official Gazette* direct any class of dealers to maintain accounts and records showing the details regarding their purchases, sales or deliveries of goods in such form and in such manner as may be specified by him.

23. *Production and inspection of accounts and documents, and search of premises.*—(1) The Collector may, subject to such conditions as may be prescribed, require any dealer to produce before him any accounts or documents, or to furnish any information, relating to the stocks of goods of, or purchases, sales and deliveries of goods, by the dealer or any other information, relating to his business as may be necessary for the purposes of this Act.

(2) All accounts, registers and documents relating to the stocks of goods of, or purchases, sales and deliveries of goods by, any dealer and all goods kept in any place of business or warehouse of any dealer shall at all reasonable times be open to inspection by the Collector and the Collector may take or cause to be taken such copies or extracts therefrom as appear to him necessary for the purposes of this Act.

(3) If the Collector has reason to suspect that any dealer is attempting to evade the payment of any tax due from him, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary, and shall grant a receipt for the same, and shall retain the same only for so long as may be necessary for examination thereof or for a prosecution.

(4) For the purposes of sub-section (2) or sub-section (3), the Collector may enter and search any place of business or warehouse of any dealer or any other place where the Collector has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers, or documents of his business or stocks of goods relating to his business.

(5) The provisions of sub-sections (1) to (4) shall also apply *mutatis mutandis* in the case of persons liable to pay the tax under section 18.

24. *Dealer to declare the name of manager of his business.*—Every dealer, who is liable to pay the tax and who is an undivided Hindu family, an association or a club, society, firm or company or who carries on business as the guardian or trustee or otherwise on behalf of another person, shall within the prescribed period send to the prescribed authority a declaration in the prescribed manner stating the name of the person who shall be deemed to be the manager of such dealer's business for the pur-

poses of this Act. Such declaration may be revised from time to time.

25. Information to be furnished regarding changes of business.—If any dealer to whom the provisions of this Act apply—

(a) sells or otherwise disposes of his business or any part of his business, or effects or comes to know of any other change in the ownership of the business, or

(b) discontinues his business or changes his place of business or opens a new place of business, or

(c) changes the name or nature of his business or effects any change in the classes of goods sold by him, he shall, within the prescribed time, inform the prescribed authority accordingly; and if any such dealer dies, his legal representative shall, in like manner, inform the said authority.

26. Tax payable by transferee of business.—(1) When the ownership of the business of a dealer liable to pay the tax is entirely transferred, any tax payable in respect of such business and remaining unpaid at the time of the transfer shall be payable by the transferee, as if he were the dealer liable to pay such tax; and the transferee shall also be liable to pay tax on the sales of goods effected by him with effect from the date of such transfer and shall within thirty days of the transfer apply for registration or licence, as the case may be, unless he already holds a certificate of registration or a licence, as the case may be.

(2) When a dealer liable to pay the tax transfers the ownership of a part of his business the transferor shall be liable to pay the tax in respect of the stock of goods transferred along with that part of his business, which is not so transferred, as if the goods have been sold by him, unless the transferee holds a certificate of registration or licence, as the case may be, or obtains it within the prescribed period.

(3) (i) When a firm liable to pay the tax is dissolved, or

(ii) where an undivided Hindu family liable to pay the tax is partitioned, such firm or family, as the case may be, shall be liable to pay the tax on the goods allotted to any partner or member thereof as if the goods had been sold to such partner or member unless he holds a certificate of registration or a licence, as the case may be, or obtains it within the prescribed period.

(4) When a dealer to whom a part of the business has been transferred, or who has obtained the whole or part of the stock relating to the business of a partnership which has been discontinued or dissolved, or an undivided Hindu family which is partitioned, obtains a certificate of registration or a licence, as the case may be, he shall be liable to pay the tax on the turnover in respect of sales of goods made by him with effect from the date of such transfer of business, discontinuance or dissolution of the partnership, or the partition of the family, as the case may be.

CHAPTER VII.

Proceedings.

27. Power of Collector to determine disputes.—If any question arises otherwise than in a proceeding before a court whether or not, for the purposes of this Act,—

(a) any person, society, club or association, firm or any branch or department of any firm is a dealer,

(b) any transaction is a sale or purchase,

(c) any particular dealer is liable to registration or required to take a licence, or

(d) any tax is payable in respect of any particular sale or purchase,

the Collector shall make an order determining such question :

Provided that the Collector may in any such order direct that any such determination shall not affect the liability of any dealer under this Act in respect of any sale effected prior to the date of any such determination :

Provided further that if any such question arises from any order already passed under this Act, no proceeding shall be entertained for the determination under this section, but such question may be raised in any appeal or application for revision against such order, which lies under section 30 or 31.

28. Powers of Tribunal and Collector.—For the purposes of this Act,—

(1) the Tribunal and the Collector shall have the same powers as are vested in courts in respect of—

- (a) proof of facts by affidavits ;
 - (b) summoning and enforcing the attendance of any person and examining him on oath ;
 - (c) compelling the production of documents ; and
 - (d) issuing commissions for the examination of witnesses ;
- (2) in the case of any affidavit made for the purposes of this Act, any officer appointed by the Tribunal or the Collector may administer the oath to the deponent.

29. Bar to certain proceedings.—Save as is provided by section 34, no assessment made and no order passed under this Act or the rules made thereunder by the Collector or any person appointed under section 3 to assist him shall be called into question in any civil court, and save as is provided by sections 30 and 31 no appeal or application for revision shall lie against any such assessment or order.

30. Appeal.—(1) Within sixty days from the making of an order of assessment either with or without penalty or the passing of any other order under this Act, any person may, in the prescribed manner, appeal to the prescribed authority against such order :

Provided that no appeal against an order of assessment, with or without penalty, shall be entertained by the said authority unless it is accompanied by satisfactory proof of the payment of the tax, with penalty, if any, in respect of which the appeal has been preferred :

Provided further that the said authority may, if it deems fit, for reasons to be recorded in writing, entertain an appeal against such order without payment of the amount of the tax including penalty, if any, or on proof of payment of such smaller amount as it may direct.

(2) Subject to such rules of procedure as may be prescribed, the said authority may pass such orders on the appeal as such authority may think fit.

(3) Every order passed in appeal under this section shall, subject to the provisions of sections 31, 34 and 35, be final.

31. Revision.—(1) Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Collector may, upon application or of his own motion, revise any order passed under this Act or the rules thereunder by a person appointed under section 3 to assist him, and, subject as aforesaid the Tribunal may, upon application, revise any order passed by the Collector :

Provided that no application under this sub-section shall be entertained if it is not made within a period of four months from the date of the order :

Provided further that before rejecting any application for the revision

of any such order the Collector or the Tribunal, as the case may be, shall record reasons for such rejection.

(2) Before any order is passed under this section which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(3) Where a person could have appealed under section 30, and no appeal has been filed by him, no proceedings in revision under this section shall be entertained upon the application of such person.

32. Application of sections 4 and 12 of Limitation Act, IX of 1908.—In computing the period laid down under sections 30 and 31 the provisions of sections 4 and 12 of the Indian Limitation Act, 1908 (IX of 1908), so far as may be, shall apply.

33. Extension of period of limitation in certain cases.—The prescribed authority may admit any appeal under section 30 and the Collector and the Tribunal may admit an application under section 31, after the period of limitation laid down in the said sections if the appellant or the applicant, as the case may be, satisfies the prescribed authority, the Collector or the Tribunal, as the case may be, that he had sufficient cause for not preferring the appeal or making the application within such period.

34. Statement of case to High Court.—(1) Within ninety days from the passing by the Tribunal of any order under sub-section (2) of section 30 or sub-section (1) of section 31 affecting any liability of any person to pay the tax, such person or the Collector may, by application in writing accompanied where the application is made by any person (other than the Collector) by a fee of one hundred rupees, require the Tribunal to refer to the High Court any question of law arising out of such order, and where the Tribunal agrees it shall draw up a statement of the case and refer it to the High Court.

(2) If, for reasons to be recorded in writing, the Tribunal refuses to make such reference, the applicant may within thirty days of such refusal, either—

(a) withdraw his application, or

(b) apply to the High Court against such refusal

and in the case of withdrawal under clause (a), the fee, if any, paid under sub-section (1) shall be refunded to him.

(3) If upon the receipt of an application under clause (b) of sub-section (2); the High Court is not satisfied that such refusal was justified, it may require the Tribunal to state a case and refer it to the High Court and on receipt of such requisition the Tribunal shall state and refer the case accordingly.

(4) If the High Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised thereby, it may refer the case back to the Tribunal to make such additions thereto or alterations therein as the High Court may direct in that behalf.

(5) The High Court upon the hearing of any such case shall decide the question of law raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded, and shall send to the Tribunal a copy of such judgment under the seal of the Court and the signature of the Registrar, and the Tribunal shall dispose of the case accordingly.

(6) Where a reference is made to the High Court under this section, the costs [including the disposal of the fee referred to in sub-section (1)] shall be in the discretion of the Court.

(7) The payment of the amount, if any, of the tax due in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (1) shall not be stayed pending the disposal of such application or any reference made in consequence thereof, but if such amount is reduced as the result of such reference the excess tax paid shall be refunded in accordance with the provisions of section 19.

35. Rectification of mistakes.—(1) The Collector may at any time within two years from the date of any order passed by him, on his own motion, rectify any mistake apparent from the record and shall within a like period rectify any such mistake which has been brought to his notice by a dealer :

Provided that no such rectification shall be made if it has the effect of enhancing the tax or reducing the amount of a refund unless the Collector has given notice in writing to the dealer of his intention so to do and has allowed the dealer a reasonable opportunity of being heard.

(2) The provisions of sub-section (1) shall apply to the rectification of a mistake by the Tribunal or the prescribed authority under section 30 as they apply to the rectification of a mistake by the Collector.

(3) Where any such rectification has the effect of reducing the amount of the tax, the Collector shall in the prescribed manner refund any amount due to the dealer.

(4) Where any such rectification has the effect of enhancing the amount of the tax or reducing the amount of the refund, the Collector shall recover the amount due from the dealer in the manner provided for in section 16.

CHAPTER VIII.

Offences and Penalties.

36. Offences and Penalties—Whoever—

(a) carries on business as a dealer without applying for registration or grant or renewal of licence in contravention of section 9, 12 or 26 ; or

(b) fails without sufficient cause, to furnish any return or statement as required by section 13 or 18 or knowingly furnishes a false return or statement ; or

(c) not being a licensed dealer under section 12 falsely represents that he has been or was a licensed dealer at the time when he sells or sold any special goods ; or

(d) contravenes the provisions of sub-section (1), (2) or (3) of section 21 ; or

(e) fails to keep a true account of the value of the goods bought and sold by him as required by section 22, or fails, when directed so to do under that section to keep any accounts or records in accordance with the direction ; or

(f) fails to comply with any requirement made of him under section 23 ; or

(g) knowingly produces incorrect accounts, registers or documents, or knowingly furnishes incorrect information ; or

(h) obstructs any officer making an inspection, a search or a seizure under section 23 ; or

(i) neglects to furnish any information required by section 25 ; or

(j) aids or abets any person in the commission of any act specified in clauses (a) to (i) ;

shall, in addition to the recovery of any tax that may be due from him, be punishable with simple imprisonment which may extend to six months

or with fine not exceeding two thousand rupees or with both ; and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of the continuance of the offence.

37. Cognizance of offences.—(1) No court shall take cognizance of any offence punishable under section 36 or under any rules made under this Act, except with the previous sanction of the Collector and no Court inferior to that of a Magistrate of the Second Class shall try any such offence.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), all offences punishable under this Act or rules made thereunder shall be cognizable and bailable.

38. Investigation of offences.—(1) Subject to such conditions as may be prescribed, the Collector may authorise any persons appointed under section 3 to assist him to investigate all offences punishable under this Act.

(2) Every person so authorised shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1898 (V of 1898), upon an officer in charge of a police station for the investigation of a cognizable offence.

39. Compounding of offences.—(1) The Collector may, either before or after the institution of proceedings for any offence punishable under section 36 or under any rules made under this Act, accept from any person charged with such offence by way of composition of the offence a sum not exceeding two thousand rupees or where the offence charged is under clause (a), (b), (c), (e), or (g) of section 36, not exceeding double the amount of tax which would have been payable on the sale or turnover to which the said offence relates, whichever is greater.

(2) On payment of such sum as may be determined by the Collector under sub-section (1) no further proceedings shall be taken against the accused person in respect of the same offence.

CHAPTER IX

Miscellaneous.

40. Persons appointed under section 3 and members of Tribunal to be public servants.—The Collector and all persons appointed under section 3 to assist the Collector and all members of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

41. Indemnity.—No suit, prosecution or other legal proceedings shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

42. Disclosure of information by a public servant.—(1) All particulars contained in any statement made, return furnished or accounts or documents produced in accordance with this Act, or in any record of evidence given in the course of any proceedings under this Act other than proceedings before a Criminal Court shall, save as provided in sub-section (3), be treated as confidential, and, notwithstanding anything contained in the Indian Evidence Act, 1872 (I of 1872), no court shall, save as aforesaid, be entitled to require any servant of the Government to produce before it any such statement, return, account, document or record or any part thereof, or to give evidence before it in respect thereof.

(2) If, save as provided in sub-section (3), any servant of the Government discloses any of the particulars referred to in sub-section (1), he shall on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

(3) Nothing in this section shall apply to the disclosure of any of the particulars referred to in sub-section (1), (a) for the purposes of a prosecution under the Indian Penal Code (XLV of 1860), in respect of any statement, return, accounts, document or evidence or for the purposes of a prosecution under this Act, or (b) to any authority acting in exercise of the powers conferred by the Indian Income-tax Act, 1922 (XI of 1922), where it is necessary to disclose the same to such authority for the purpose of the said Act, or (c) to any authority acting in exercise of the powers conferred on it by any law of a State imposing a tax on the sale or purchase of goods where it is necessary to disclose the same to such authority for the purposes of the said law.

43. Appearance before any authority in proceedings.—Any person, who is entitled to attend before any authority in connection with any proceedings under this Act, may attend before the authority—

(a) by a person authorised by him in this behalf being his relative or a person regularly employed by him, or

(b) by a legal practitioner, or

(c) subject to such conditions as may be prescribed, by an accountant or sales tax practitioner who possesses the prescribed qualifications.

44. Delegation of powers and duties and transfer of proceedings.—(1) Subject to such conditions and restrictions as the State Government may by general or special order impose, the Collector may, by order in writing, delegate any of his powers and duties under this Act to any persons appointed under section 3 to assist him:

(2) The Collector may transfer any proceeding or class of proceedings under any provision of this Act from himself to any person to whom he has delegated his powers and duties in respect thereof, and he may likewise transfer any such proceeding (including a proceeding already transferred under this sub-section) from one such person to another to whom the said powers and duties have been delegated or to himself.

45. Power to make rules.—(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the period for return of goods under clause (20) of section 2 ;

(b) the qualifications to be possessed by a member of the Tribunal ;

(c) the further period after the date of expiry of the year referred to in sub-section (3) of section 5 and sub-section (4) of section 10 ;

(d) the circumstances in which and the conditions subject to which the Collector may accept a lump sum by way of composition under sub-section (2) of section 6 ; and the manner of determining such sum ;

(e) the other sales, turnover in respect of which may be deducted from a dealer's turnover in computing his taxable turnover as defined in section 7 and in section 11 ;

(f) the period within which, the manner in which and the authority to which application for registration shall be made under section 9 ;

(g) the procedure for, and other matters incidental to, the registration of dealers and the granting of certificates of registration, and the form of such certificates under section 9 and the manner in which applications for cancellation of registration shall be made, and the date from which cancellation of registration shall take effect, under sub-section (6) of that section ;

(h) the period within which the manner in which and the authority to which an application for licence shall be made under section 12 ;

(i) the form of licence under section 12 and the period for which and the conditions subject to which a licence shall be granted ;

(j) the manner in which and the period for which a licence shall be renewed under section 12 and the fee for grant or renewal of a licence and the manner in which an application for cancellation of a licence shall be made and the date from which cancellation of licence shall take effect under sub-section (6) of that section ;

(k) the returns to be furnished under section 13 and the dates by which, and the authority to which, such returns shall be furnished and the terms and conditions for purposes of the proviso to sub-section (1) of the said section 13 ;

(l) procedure to be followed for assessment under section 14 ;

(m) the intervals at which, and the manner in which, the tax shall be payable under section 16 ;

(n) the forms of certificate and statement, the manner in which, the authority to which and the period within which such certificate and statement shall be submitted under section 18 ;

(o) the manner in which refunds under section 19 shall be made ;

(p) conditions subject to which tax may be remitted under section 20 ;

(q) the period within which a person or a dealer shall pay the amount of tax collected by him into a Government treasury under sub-section (4) of section 21 ;

(r) the accounts and forms thereof required by the Collector to be kept under sub-section (1) of section 22 and the conditions or restrictions subject to which the accounts shall be maintained under sub-section (2) of the said section 22 ;

(s) the conditions subject to which the production of accounts or documents or the furnishing of information may be required under section 23 ;

(t) the period within which, the authority to which and the manner in which a declaration shall be sent under section 24 ;

(u) the authority to which, and the time within which, information shall be furnished under section 25 ;

(v) the period within which a certificate of registration or licence shall be obtained under sub-section (2) or sub-section (3) of section 26 ;

(w) the manner in which, and the authority to which, an appeal against any order under this Act may be preferred under section 30 ;

(x) the procedure for, and other matters (including fees) incidental to, the disposal of appeals and applications for revision under sections 30 and 31 ;

(y) the conditions and the qualifications for the purposes of clause (c) of section 43 ;

(z) the manner in which, and the time within which, the applications shall be made, information furnished and notices served, under this Act ;

(za) any other matter which is required to be or may be prescribed.

(3) In making any rule the State Government may direct that a breach thereof shall be punishable with fine not exceeding two thousand rupees, and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(4) Rules made under this section shall be subject to the condition of previous publication :

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense

with the previous publication of any rule to be made under this section and the rule so made shall be laid on the table of both the Houses of the State Legislature.

46. Act and rules not to apply to certain sales or purchases.—Nothing in this Act or the rules made or deemed to have been made thereunder shall be deemed to apply to any sale or purchase of any goods, or to impose or authorise the imposition of a tax on any sale or purchase of any goods, where such sale or purchase takes place—

- (a) (i) outside the State of Bombay ; or
 - (ii) in the course of the import of the goods into the territory of India, or the export of the goods out of such territory ; or
 - (b) in the course of inter-State trade or commerce, except in so far as Parliament may by law otherwise provide,
- and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation—For the purposes of clause (a) (i), a sale or purchase shall be deemed to have taken place in the State in which the goods have actually been delivered as a direct result of such sale or purchase for the purpose of consumption in that State, notwithstanding the fact that under the general law relating to sale of goods the property in the goods has by reason of such sale or purchase passed in another State.

47. Temporary provision excluding certain sales from taxable turnover.—In assessing or re-assessing under section 14 or 15 the amount of tax due from any dealer for the year ending on the 31st day of March 1953, any sale made during the period commencing from the first day of November 1952 and ending on the date immediately prior to the date on which the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952), was promulgated in respect of which no amount has been charged, collected, received or agreed to be paid by way of a tax on such sale or by way of deposit or otherwise in respect of such tax, shall not be included in the taxable turnover of such dealer.

48. Repeal of Bom. V of 1946.—(1) The Bombay Sales Tax Act, 1946 (Bom. V of 1946), and all the entries relating to that Act as specified in the Third Schedule to the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950) (hereinafter referred to in this section as “the said Act and the said entries”) are hereby declared to have been in force as amended by the Bombay Sales Tax (No. 1) Ordinance, 1952 (Bom. Ordinance No. II of 1952), up to the first day of November 1952 and shall be deemed to have been repealed from the said date notwithstanding anything contained in section 47 of the Bombay Sales Tax Act, 1952 (Bom. XXIV of 1952), and in section 49 of this Act and notwithstanding the said Ordinance ceasing to operate.

(2) Notwithstanding the repeal of the said Act and the said entries, the said repeal shall not affect or be deemed to affect—

- (i) any right, title, obligation or liability already acquired, accrued or incurred ;
- (ii) any legal proceeding pending on the 1st day of November 1952 in respect of any right, title, obligation or liability or anything done or suffered before the said date ; and any such proceeding shall be continued and disposed of, as if this Act had not been passed ;
- (iii) the recovery of any tax or penalty which may have become payable under the said Act and the said entries before the said date ; and all such taxes or penalties or arrears thereof shall be assessed, imposed and recovered, so far as may be, in accordance with the provisions of this Act.

49. Repeal of Bom. Ordinance No. III of 1952.—(1) The Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952) is hereby repealed :

Provided that the repeal hereby made shall not affect or be deemed to affect—

(i) any right, title, obligation or liability already acquired, accrued or incurred or anything done or suffered,

(ii) any legal proceeding or remedy in respect of any such right, title, obligation or liability,

(iii) the assessment, levy or recovery of any tax or the imposition or recovery* of any penalty,

under the provisions of the Ordinance hereby repealed and any such proceeding may be instituted, continued and disposed of and any such remedy may be enforced and any such tax may be assessed levied and recovered and any such penalty may be imposed and recovered in accordance with the provisions of this Act.

(2) Any appointment, notification, notice, order, rule, regulation or form made or issued or deemed to have been made or issued under the Ordinance hereby repealed shall continue in force and be deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule, regulation or form is not inconsistent with the provisions of this Act, unless it has been already, or until it is superseded by an appointment, a notification, notice, order, rule, regulation or form made or issued under this Act.

SCHEDULE I.

(See Section 8.)

Description of goods	Conditions and exceptions subject to which exemption has been allowed
1	2
1 Agricultural implements worked or operated exclusively by human or animal agency of the following kinds :— Chaff-cutters, harrows ; iron and leather <i>mhots</i> , iron ploughs and plough-points ; <i>rahats</i> ; sickles ; wooden seed-drills ; pick-axes, shovels, spades and clod-crushers.	Except when sold in sealed containers.
2 All cereals and pulses including all forms of rice	
3 Artificial silk yarn.	
4 Betel leaves.	
5 Betelnuts.	
6 Bread.	
7 Butter-milk and curds.	
8 Cattle, sheep and goats.	
9 Cattle-feed including fodder, cotton seed and other concentrates.	
10 <i>Charkha</i> and other implements used in the production of handspun yarn or hand-woven cloth as may be specified by the State Government by notification in the <i>Official Gazette</i> .	
11 Cloth woven on handlooms sold at a rate not exceeding Rs. 1-8-0 per yard.	
12 Cotton (whether ginned or unginned).	

Description of goods	Conditions and exceptions subject to which exemption has been allowed
1	2
13 Cotton yarn.	
14 Edible oils manufactured in <i>ghanis</i> by human or animal agency.	When sold by such owners of <i>ghanis</i> as have been recognised for this purpose by the Collector of Sales Tax.
15 Electrical energy.	
16 Fertilizers.	
17 Firewood and charcoal.	
18 Fish	Except when sold in sealed containers. Do. do.
19 Flour including <i>atta</i> , <i>maida</i> , <i>suji</i> and bran.	
20 Flowers.	
21 Food and non-alcoholic drinks consumed at a hotel, restaurant, refreshment room, eating house or other place where such food and drinks are served.	Except when the cost of such food and drinks consumed at one time by one person exceeds Rupee one.
22 Fresh eggs.	
23 Fresh fruits.	
24 Fresh milk whole or separated.	
25 Fresh vegetables.	
26 Glass bangles sold at a rate not exceeding As. 2 each.	
27 <i>Gur</i> .	
28 Hides and skins of cattle, sheep and goats.	
29 Journals and periodicals published at intervals not exceeding one month.	
30 Kerosene.	
31 <i>Khaddar</i> and clothes and other articles of <i>khaddar</i> ...	When sold by dealers recognised for this purpose by the Collector of Sales Tax.
32 <i>Kum-kum</i> .	
33 Mangal sutra with black glass beads sold at a rate not exceeding Rs. 5 each.	
34 Manures including oilcakes.	
35 Matches.	
36 Meat	Except when sold in sealed containers.
37 Motor spirit, meaning—	
(a) any inflammable hydro-carbon (including any mixture of hydro-carbons or any liquid containing hydro-carbons) which is capable of being used for providing reasonably efficient motive power for any form of motor vehicle, and	
(b) power alcohol, that is, ethyl alcohol of any grade (including such alcohol when	

Description of goods	Conditions and exceptions subject to which exemption has been allowed
1	2
denatured or otherwise treated) which either by itself or in admixture with any such hydro-carbon, is capable of being used as aforesaid ; but not including diesel oil or any other form of inflammable hydro-carbon material which the State Government may, by notification in the <i>Official Gazette</i> , specify in this behalf.	
38 Oilseeds.	
39 Pepper, tamarind, chillies, chilly-powder and turmeric, whole or powdered.	Except when sold in sealed containers.
40 Quinine and Tincture of iodine.	
41 Raw silk and silk yarn.	
42 Raw wool, wool tops and woollen yarn (other than knitting yarn).	
43 Salt.	
44 Slates and slate pencils; chalk-sticks and crayons; footrules, exercise and drawing books, lead pencils and mathematical and drawing instrument boxes used by primary and secondary school students.	
45 Stamp paper sold by vendors duly authorised under the provisions of the Indian Stamp Act, 1899.	
46 Text books and books for supplementary reading and school atlases sanctioned by the State Government, the Director of Education for the State of Bombay, or the Educational Inspectors of Divisions or approved by the Bombay Municipal Schools Committee	
47 Tobacco in any form whether manufactured or not.	
48 Water other than aerated and mineral waters.	

SCHEDULE II
(See section 10.)

Description of goods.	Rate of special tax	Deduction under clause (ii) of section 11.
1	2	3
1. All arms including rifles, revolvers, pistols and ammunition for the same.	One anna in the rupee.	1/17th part.
2. Cinematographic equipment including cameras, projectors, enlargers and sound recording and reproducing equipment; lenses and other parts of and accessories to such equipment, and films, plates, paper and cloth required for use therewith.	Do.	Do.

Description of goods.	Rate of special tax.	Deduction under clause (ii) of section II.
1	2	3
3. Dictaphone and other similar apparatus for recording or reproducing sound and parts and accessories thereof.	One anna in the rupee.	1/17th part.
4. Foreign liquor as defined in clause (17) of section 2 of the Bombay Prohibition Act, 1949, read with the proviso thereto.	Do.	Do.
5. Iron and steel safes, almirahs and furniture	Do.	Do.
6. (i) Motor vehicles including motor cars, motor taxi cars, motor cycles and cycle combinations, motor scooters, motorettes, motor omnibuses, motor vans and motor lorries.	Do.	Do.
(ii) Chassis of Motor vehicles.		
(iii) Articles (including rubber and other tyres and tubes and batteries) adapted for use as parts and accessories of motor vehicles, except such articles as may be specified by the State Government by notification in the <i>Official Gazette</i> .		
7. Refrigerators and air-conditioning plants and parts thereof, except such articles as may be specified by the State Government by notification in the <i>Official Gazette</i> .	Do.	Do.
8. Sound-transmitting equipment including telephones and loud speakers.	Do.	Do.
9. Tabulating, calculating, cash registering, indexing, cardpunching, franking and addressing machines and Adrema machines.	Do.	Do.
10. Typewriters and duplicating and roneo machines and parts and accessories thereof.	Do.	Do.
11. Upholstered furniture	Do.	Do.
12. Wireless reception instruments and apparatus and radio gramophones and component parts thereof including all electrical valves, accumulators, amplifiers, loud speakers.	Do.	Do.
13. All clocks, time-pieces and watches and parts thereof.	Nine pies in the rupee.	3/67th part.
14. All fabrics and articles for personal wear in which the combined weight of silk and synthetic fibre (other than artificial silk and staple fibre) used is more than 50 per cent.	Do.	Do.
15. All fabrics containing any material of gold, silver or gilded metal whether knitted, woven or embroidered sold at a rate not less than Rs. 3 per yard and goods	Do.	Do.

Description of goods.	Rate of special tax.	Deduction under clause (ii) of section II.
1	2	3
made from such fabrics ; and thread, zari, or other embroidery materials of gold, silver or gilded metal.		
16. Articles made of ivory, sandalwood or blackwood or inlaid therewith ; ornamental metalware with enamelled or carved designs ; and gold and silver filigree.	Nine pies in the rupee.	3/67th part.
17. Binoculars and opera glasses ...	Do.	Do.
18. Cigarette cases and lighters ...	Do.	Do.
19. Cigars, cheroots and pipe tobacco other than <i>hooka</i> tobacco.	Do.	Do.
20. Cloth of any kind sold at a rate not less than Rs. 3 per yard excluding cloth woven on handlooms :	Do.	Do.
Provided that such cloth woven on handlooms has a width of 42 inches or more and is sold at a rate less than Rs. 4 per yard.		
21. Domestic electrical appliances other than torches, torch cells, filament lighting bulbs and fans.	Do.	Do.
22. Fireworks ...	Do.	Do.
23. Fountain pens (sold at a rate not less than rupees five each), stylograph pens and propelling pencils.	Do.	Do.
24. Furs and skins (other than those of cattle, sheep and goats) and articles of personal or domestic use made therefrom.	Do.	Do.
25. Glassware, chinaware and domestic pottery but excluding such articles as may be specified by the State Government by notification in the <i>Official Gazette</i> .	Do.	Do.
26. Gramophones and component parts thereof and records.	Do.	Do.
27. Jewellery, precious stones, synthetic or artificial precious stones and pearls, real, artificial and cultured.	Three pies in the rupee.	1/65th part.
28. Ladies' handbags and vanity bags ...	Nine pies in the rupee.	3/67th part.
29. Leather suit cases ...	Do.	Do.
30. Musical instruments ...	Do.	Do.
31. Perfumery (excluding synthetic essential oils), cosmetic and toilet articles, except soaps and other articles as may be specified by the State Government by notification in the <i>Official Gazette</i> .	Do.	Do.
32. Photographic and other cameras and enlargers, lenses, and other parts of and accessories to such cameras and enlargers and films, plates, paper and cloth required for use therewith.	Do.	Do.
33. Pile carpets ...	Do.	Do.

Description of goods.	Rate of special tax.	Deduction under clause (ii) of section 11.
1	2	3
34. (i) Bangles, bottle caps and buttons made of plastics when sold at a rate not exceeding annas 2 each.	Three pies in the rupee.	1/65th part.
(ii) Other articles made of plastics sold at a rate not exceeding annas 12 each or when sold by length at a rate not exceeding annas 12 per yard.	Do.	Do.
(iii) All other articles made of plastics ...	Nine pies in the rupee.	3/67th part.
(iv) Plastic sheets and fabrics and articles made of such sheets or fabrics not falling under item (i) or (ii).	Do.	Do.
35. Playing cards ...	Do.	Do.
36. Shoes and footwear sold at a rate not less than rupees fifteen per pair.	Do.	Do.
37. Silk cloth and goods made from such cloth (excluding gas mantles).	Do.	Do.
38. Stainless steel sheets and articles made of stainless steel other than such articles as are used as parts of industrial machinery or plant.	Do.	Do.
39. Table cutlery, including knives, forks and spoons.	Do.	Do.
40. Woollen goods excepting—	Do.	Do.
(i) kambhis costing less than Rs. 12 each; and		
(ii) raw wool, wool tops and woollen yarn (other than knitting yarn).		
41. Artificial silk yarn ...	Three pies in the rupee.	1/65th part.
42. Hides and skins of cattle, sheep and goats.	Do.	Do.
43. Raw silk and silk yarn ...	Do.	Do.
44. Raw wool, wool tops and woollen yarn (other than knitting yarn).	Do.	Do.
45. Cotton (whether ginned or unginned) ..	One per cent.	Nil.
46. Cotton seed ..	Do.	Do.
47. Oil seeds ...	Do.	Do.

The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 24th March 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 25th March 1953.

Bombay Act No. IV of 1953

An Act to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1953.

2. *Amendment of section 3 of Bom. LVII of 1947.*—In section 3 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), hereinafter referred to as the said Act, in sub-section (2), for the figures "1953" the figures "1954" shall be substituted.

3. *Amendment of section 4 of Bom. LVII of 1947.*—In section 4 of the said Act, after sub-section (3), the following sub-section shall be added and be deemed always to have been added, namely :—

(4) (a) The expression "premises belonging to the Government or a local authority" in sub-section (1) shall, notwithstanding anything contained in the said sub-section or in any judgment, decree or order of a court, now include a building erected on any land held by any person from the Government or a local authority under an agreement, lease or other grant, although having regard to the provisions of such agreement, lease or grant the building so erected may belong or continue to belong to the Government or the local authority, as the case may be ; and

(b) notwithstanding anything contained in section 15 such person shall be entitled to create a tenancy in respect of such building or a part thereof."

4. *Repeal.*—The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, 1952 (Bom. Ordinance No. I of 1952), is hereby repealed.

The Bombay Land Requisition (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the President on the 24th March 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 25th March 1953.

Bombay Act No. V of 1953

An Act to amend the Bombay Land Requisition Act, 1948.

WHEREAS it is expedient to amend the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Land Requisition (Amendment) Act, 1953.

2. *Amendment of section 3 of Bom. XXXIII of 1948.*—In section 3 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948) (hereinafter referred to as the said Act), in sub-section (1), for the figures "1953" the figures "1956" shall be substituted.

3. *Insertion of new section 8A1 in Bom. XXXIII of 1948.*—After section 8 of the said Act, the following section shall be inserted, namely :—

"8-A1. *Power of State Government to call for record.*—The State Government may,—

(a) in cases in which no appeal lies under sub-section (3) of section 8, or

(b) in cases in which such appeal lies, but has not been filed within the period specified in the said sub-section (3), after the period for filing such appeal has expired, call for the record of the inquiry or proceedings of the officer, who has given the decision under sub-section (1) or (2) of the said section 8, for the purpose of satisfying itself as to the legality, propriety or regularity of such inquiry or proceedings, and may pass such order thereon as it deems fit. Any order passed by the State Government under this section shall be final."

The Bombay Appropriation Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on 29th March 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 30th March 1953.

Bombay Act No VI of 1953

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty first day of March 1954.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Appropriation Act, 1953.

2. *Issue of Rs. 2,75,37,42,521 out of the Consolidated Fund of the State of Bombay for the year 1953-54.*—From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 2,75,37,42,521 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1954, in respect of the services and purposes specified in column 2 of the Schedule to this Act.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1954.

SCHEDULE

(See sections 2 and 3.)

[For the Schedule, see *Bombay Government Gazette*, 1953, Part IV, pages 45-48. *Editor.*]

The Bombay Land Revenue Code (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 28th March 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 31st March 1953.

Bombay Act VII of 1953

An Act to amend the Bombay Land Revenue Code, 1879.

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879 (Bom. V of 1879), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Land Revenue Code (Amendment) Act, 1953.

Notes

Object.—“When a survey of lands other than those used ordinarily for the purposes of agriculture only is undertaken in any town or city containing more than 2,000 inhabitants under section 131 of the Bombay Land Revenue Code, 1879, the whole cost thereof is recoverable as survey fees from the property holders under section 132 of the Code, read with rule 19 of the Land Revenue Rules (1921). Section 132 of the Code, however, provides that the survey fee shall in no case exceed ten rupees for each building site or any portion thereof held separately. This maximum of

ten rupees was fixed in 1913 by the Bombay Land Revenue (Amendment) Act, 1913, prior to which the maximum was Rs. 5. Since 1913, the cost of such surveys has increased enormously due to the increase in establishment and labour charges and other incidental expenses. In view of this, the amendment raises the maximum to twenty rupees for each building site or any portion thereof held separately." [Vide Statement of Objects and Reasons, printed in the *Bombay Government Gazette*, Part V, dated the 16th February 1953, page 23]

2. *Amendment of section 132 of Bom. V of 1879.*—In section 132 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), for the words "ten rupees" the words "twenty rupees" shall be substituted.

The Bombay Land Improvement Schemes (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 1st April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th April 1953:—

Bombay Act No. VIII of 1953

An Act to amend the Bombay Land Improvement Schemes Act, 1942.

WHEREAS it is expedient to amend the Bombay Land Improvement Schemes Act, 1942 (Bom. XXVIII of 1942), for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Land Improvement Schemes (Amendment) Act 1953.

2. *Amendment of section 15 of Bom. XXVIII of 1942*—In section 15 of the Bombay Land Improvement Schemes Act, 1942 (Bom. XXVIII of 1942), hereinafter referred to as the said Act, for the figures, word and letter "14 or 25A" the word and figures "or 14" shall be substituted.

3. *Amendment of section 24 of Bom. XXVIII of 1942.*—In section 24 of the said Act, clause (vi) of sub-section (2) shall be deleted.

4. *Substitution of new section 25 for sections 25 and 25A of Bom. XXVIII of 1942.*—For sections 25 and 25A of the said Act, the following section shall be substituted, namely:—

"25. *Power of State Government to direct preparation of scheme in certain circumstances.*—(1) Notwithstanding anything contained in this Act, the State Government may direct the preparation of a scheme providing for any of the matters specified in sub-section (1) of section 4 in any area in the following cases, namely:—

(i) where the State Government or any trust contributes not less than 25 per cent. of the cost of the scheme;

(ii) if any person or authority is willing to contribute not less than 25 per cent. of the estimated cost of the scheme;

(iii) if the State Government declares that a state of famine or scarcity prevails or if in the opinion of the State Government a state of famine or scarcity is likely to prevail in such area;

(iv) if in the opinion of the State Government land improvement is necessary in the interest of any persons who are members of the armed forces of the Union or who were such members and have retired or the dependants of such persons; or

(v) if in the opinion of the State Government the scheme is necessary in the interest of the public.

(2) Along with such direction or any time thereafter, the State Government may authorize the Board to appoint an officer to prepare, in accordance with such instructions as the Board may issue, a draft scheme

containing the particulars specified in sub-section (2) of section 4. The officer so appointed shall prepare a draft scheme accordingly and submit it to the Board for approval.

(3) After the scheme is submitted to the Board for approval under sub-section (2), the provisions of section 5 and the sections following the said section and the rules made under section 24 shall, so far as they can be made applicable, apply in respect of such scheme.

(4) Notwithstanding anything contained in sub-section (3), the owner of the land in which any work has been carried out for the purposes of the scheme under this section be liable, pending the preparation of the statement under section 13 to maintain the work to the satisfaction of the Divisional Soil Conservation Officer and repair it to his satisfaction within such time as he may fit.

The provisions of sub-section (2) of section 14 shall apply in respect of the owner's liability under this sub-section."

The Bombay Village Panchayats (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 14th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 17th April 1953.

Bombay Act No IX of 1953

An Act to amend the Bombay Village Panchayats Act, 1933.

WHEREAS it is expedient to amend the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Village Panchayats (Amendment) Act, 1953.

2. *Amendment of section 7 of Bom. VI of 1933.*—In sub-section (2) of section 7 of the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933) (hereinafter called the said Act), for the words and figures beginning with the words "All adult persons" and ending with the words "at the election" the following shall be substituted, namely :—

"Every person who has attained the age of 21 years on the 1st day of January of the year in which the voters' list is prepared and who ordinarily resides in the village or owns in the village a house assessed to house-tax, or land assessed to cess under section 93 of the Bombay Local Boards Act, 1923, shall be entitled to vote at the election."

3. *Amendment of section 89 of Bom VI of 1933*—For clause (vi b) of sub-section (2) of section 89 of the said Act, the following shall be substituted, namely :—

"(vi b) a tax on premises where machinery is run by steam, oil, electric power or manual labour for any trade or business and not for an agricultural or domestic purpose ;".

The Bombay Provincial Municipal Corporations (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 14th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 17th April 1953.

Bombay Act No. X of 1953

An Act to amend the Bombay Provincial Municipal Corporations Act, 1949.

WHEREAS it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 1953.

(2) It shall be deemed to have come into force on the 20th day of November 1951.

2. *Amendment of section 2 of Bom. LIX of 1949.*—In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) (hereinafter referred to as the said Act), after clause (59), the following clause shall be inserted, namely :—

“(59A) ‘scheduled bank’ means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934) ;”.

3. *Amendment of section 83 of Bom. LIX of 1949.*—In section 83 of the said Act, for the words “or such other bank or banks as the Corporation, with the previous sanction of the State Government, may select”, the words “or any other scheduled bank” shall be substituted.

4. *Amendment of section 92 of Bom. LIX of 1949.*—In sub-section (1) of section 92 of the said Act, for the words and figures “or in any other bank selected by the Corporation with the sanction of the State Government for the purposes of section 83” the words “or any other scheduled bank” shall be substituted.

5. *Amendment of section 352 of Bom. LIX of 1949.*—In section 352 of the said Act, for the words and figures “or such other bank or banks as the Corporation may, with due sanction, have selected under section 83,” the words “or any other scheduled bank,” shall be substituted.

6. *Amendment of section 358 of Bom. LIX of 1949.*—In sub-section (1) of section 358 of the said Act, for the words and figures “or such other bank as the Corporation may with due sanction have selected under section 83” the words “or any other scheduled bank” shall be substituted.

The Bombay Cinemas (Regulation) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 15th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 17th April 1953.

Bombay Act No. XI of 1953

An Act to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Bombay.

WHEREAS it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Bombay ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Cinemas (Regulation) Act, 1953.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “cinematograph” includes any apparatus for the representation of moving pictures or series of pictures ;

(b) “licensing authority” means the authority empowered to grant licences under section 4 ;

(c) “place” includes a house, building, tent and any description of transport, whether by sea, land or air ;

(d) “prescribed” means prescribed by rules made under this Act.

3. *Cinematograph exhibitions to be licensed.*—Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinema-

tograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

4. *Licensing authority.*— The authority having power to grant licences under this Act, shall be—

- (i) in Greater Bombay, the Commissioner of Police, Greater Bombay;
- (ii) in other areas for which a Commissioner of Police is appointed under section 7 of the Bombay Police Act, 1951 (Bom. XXII of 1951), such Commissioner ; and
- (iii) elsewhere, the District Magistrate :

Provided that the State Government may, by notification in the *Official Gazette*, constitute for the whole or any part of the State such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

5. *Restrictions on powers of licensing authority.*—(1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

- (a) the rules made under this Act have been substantially complied with, and
- (b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibition therein.

(2) Subject to the provisions of sub-section (1), the licensing authority may, with the previous sanction of the State Government, grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as may be prescribed.

(3) The State Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

6. *Power of State Government or licensing authority to suspend exhibition of films in certain cases*—(1) The State Government in respect of the whole of the State or any part thereof or the licensing authority in respect of the area within its jurisdiction, may, if it is of opinion that any film which is being publicly exhibited is likely to cause a breach of public order, by order, suspend the exhibition of the film and during such suspension such film shall be deemed to be an uncertified film in the State, part or area, as the case may be.

(2) When an order under sub-section (1) has been issued by the licensing authority, a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by the licensing authority to the State Government and the State Government may either confirm or annul the order.

(3) An order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months from the date thereof but the State Government may, if it is of opinion that the order should continue in force, extend the period of suspension from time to time for such further period as it thinks fit.

7. *Penalties for contravention of Act.*—If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall, on conviction, be punished with fine which may extend to one thousand rupees and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues after conviction for the first such offence.

8. *Power to revoke or suspend licence*—In the event of any contravention by the holder of a licence of any of the provisions of this Act or the rules made thereunder or of any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act, or in the event of his conviction of an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), the licensing authority may revoke the licence or suspend it for such period as it may think fit.

9. *Power to make rules.*—(1) The State Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) prescribing the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act ;

(b) providing for the regulation of cinematograph exhibitions for securing the public safety ;

(c) regulating the means of entrance and exit at places licensed under this Act ; and providing for prevention of disturbance thereat ;

(d) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

10. *Power to exempt.*—The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

11. *Repeal of Act II of 1918.*—The Cinematograph Act, 1918 (II of 1918), in its application to the State of Bombay and in so far as it relates to the regulation of exhibition by means of cinematograph (including licensing of places in which cinematograph films are exhibited), is hereby repealed.

The Bombay Epidemic Diseases (Bombay Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 15th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 18th April 1953:

Bombay Act No. XII of 1953

An Act to amend the Epidemic Diseases Act, 1897, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Epidemic Diseases Act, 1897 (III of 1897), in its application to the State of Bombay, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called Epidemic Diseases (Bombay Amendment) Act, 1953.

2. *Insertion of new section 2B in Act III of 1897.*—After section 2A of the Epidemic Diseases Act, 1897 (III of 1897), the following new section shall be inserted, namely :—

“2B *Delegation of powers.*—The State Government may, by notification in the *Official Gazette*, direct that the powers exercisable by it under section 2 shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by the Collectors within their respective jurisdiction.”

The Bombay Medical Practitioners' (Amendment) Act, 1952.

The following Act of the Bombay Legislature has been assented to by the President on the 16th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April 1953.

Bombay Act No. XIII of 1953

An Act to amend the Bombay Medical Practitioners' Act, 1938.

WHEREAS it is expedient to amend the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938), for the purposes herein appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Medical Practitioners' (Amendment) Act, 1952.

2. *Amendment of section 34 of Bom. XXVI of 1938.*—For section 34 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938), hereinafter referred to as the said Act, the following shall be substituted, namely :—

“34. *Penalty for contravention of section 32.*—Any person who acts in contravention of the provisions of section 32 shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to five hundred rupees ;

(ii) for a second offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ;

(iii) for a third and subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.”

3. *Amendment of section 35 of Bom. XXVI of 1938.*—For sub-section (2) of section 35 of the said Act, the following shall be substituted, namely :—

“(2) Any person who contravenes the provisions of sub-section (1), and if the person so contravening is an association, every member of such association who knowingly or wilfully authorises or permits the contravention, shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to one thousand rupees ;

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.”

4. *Amendment of section 35A of Bom. XXVI of 1938.*—For sub-section (2) of section 35A of the said Act, the following shall be substituted, namely :—

“(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to five hundred rupees ;

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both."

The Bombay Baronetcies (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the President on the 18th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April 1953.

Bombay Act No XIV of 1953

An Act to amend the Petit Baronetcy Act of 1893, the Cowasjee Jehangir Baronetcy Act, 1911, the Sir Currimbhoy Ebrahim Baronetcy Act, 1913, and the Sir Sassoon Jacob David Baronetcy Act, 1915.

WHEREAS it is expedient to amend the Petit Baronetcy Act of 1893 (VI of 1893), the Cowasjee Jehangir Baronetcy Act, 1911 (XIX of 1911), the Sir Currimbhoy Ebrahim Baronetcy Act, 1913 (IV of 1913), and the Sir Sassoon Jacob David Baronetcy Act, 1915 (II of 1915), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Baronetcies (Amendment) Act, 1953

2. *Amendment of section 1 of Act VI of 1893.*—In the Petit Baronetcy Act of 1893 (VI of 1893), for section 1 the following shall be substituted, namely :—

"1. *Incorporation of Trustees*—The Secretary to the Government of Bombay in the Home Department, the Official Trustee, Bombay, and the Collector of Bombay all for the time being, and the holders for the time being of those offices respectively, and likewise the holder or holders for the time being of any one or more office or offices which may hereafter be substituted by the State Government for any one or more of the first mentioned offices, shall be, and they are hereby created a Corporation with perpetual succession and a common seal under the style and title of "The Trustees of the Dinshaw Manockjee Petit Baronetcy" and the said Corporation so hereby created (hereinafter styled "the Corporation") are hereby constituted, as such Corporation, the Trustees for executing the powers and purposes of this Act."

3. *Amendment of section 2 of Act XIX of 1911.*—In the Cowasjee Jehangir Baronetcy Act, 1911 (XIX of 1911), for section 2 the following shall be substituted, namely :—

"2. *Incorporation of Trustees.*—The Secretary to the Government of Bombay in the Home Department, the Official Trustee, Bombay, and the Collector of Bombay, all for the time being, and the holders for the time being of those offices respectively, and likewise the holder or holders for the time being of any one or more office or offices which may hereafter be substituted by the State Government for any one or more of the first mentioned offices, shall be, and they are hereby created a Corporation with perpetual succession and a common seal under the style and title of "The Trustees of the Sir Cowasjee Jehangir Baronetcy" and the said Corporation so hereby created (hereinafter styled "the Corporation") are hereby constituted, as such Corporation, the Trustees for executing the powers and purposes of this Act."

4. *Amendment of section 2 of Act IV of 1913.*—In the Sir Currimbhoy Ebrahim Baronetcy Act, 1913 (IV of 1913), for section 2 the following shall be substituted, namely :—

"2. *Incorporation of Trustees.*—The Secretary to the Government of Bombay in the Home Department, the Official Trustee, Bombay, and the Collector of Bombay, all for the time being, and the holders for the time being of those offices respectively, and likewise the holder or holders for the time being of any one or more office or offices which may hereafter be substituted by the State Government for any one or more of the first mentioned offices and the heir male of the body of the said Sir Currimbhoy Ebrahim to whom the said title and dignity of Baronet conferred by the said Letters Patent shall for the time being descend shall be, and they are hereby created a Corporation with perpetual succession and a common seal under the style and title of "The Trustees of the Sir Currimbhoy Ebrahim Baronetcy" and the said Corporation so hereby created (hereinafter styled "the Corporation") are hereby constituted, as such Corporation, the Trustees for executing the powers and purposes of this Act."

5. *Amendment of section 2 of Act II of 1915*—In the Sir Sassoon Jacob David Baronetcy Act, 1915 (II of 1915), for section 2 the following shall be substituted, namely :—

"2. *Incorporation of Trustees.*—The Chief Secretary to the Government of Bombay, the Official Trustee, Bombay, and the Collector of Bombay, all for the time being, and the holders for the time being of those offices respectively, and likewise the holder or holders for the time being of any one or more office or offices which may hereafter be substituted by the State Government for any one or more of the first mentioned offices and the person for the time being holding the Sir Sassoon Jacob David Baronetcy being a major shall be, and they are hereby created a Corporation with perpetual succession and a common seal under the style and title of the "Trustees of the Sir Sassoon Jacob David Baronetcy" and the said Corporation so hereby created (hereinafter styled "the Corporation") are hereby constituted, as such Corporation, the Trustees for executing the powers and purposes of this Act."

The Bombay Legislature Members (Removal of Disqualifications) (Amendment) Act, 1953

The following Act of the Bombay Legislature has been assented to by the Governor on the 22nd April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 27th April 1953.

Bombay Act No. XV of 1953.

An Act to amend the Bombay Legislature Members (Removal of Disqualifications) Act, 1951.

WHEREAS it is expedient to amend the Bombay Legislature Members (Removal of Disqualifications) Act, 1951 (Bom. XXV of 1951), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Bombay Legislature Members (Removal of Disqualifications) (Amendment) Act, 1953.

2. *Amendment of Schedule to Bom. XXV of 1951.*—In the Schedule to the Bombay Legislature Members (Removal of Disqualifications) Act, 1951 (Bom XXV of 1951), after entry 4, the following new entries shall be added, namely :—

"5. The office of an Honorary Medical Officer or Honorary Assistant Medical Officer in a hospital under Government management.

6. The office of the Chairman or member of any committee or body appointed by the Central or a State Government :

Provided that the Chairman or any member of such committee or body does not receive any remuneration other than the compensatory allowance.

Explanation.—For the purposes of this entry, ‘compensatory allowance’ shall mean the travelling allowance, the daily allowance or such other allowance which is paid to the holder of the office for the purpose of reimbursing the personal expenditure incurred by him in attending the meeting of the committee or body or performing any other functions as the holder of the said office.”

3. *Amendments to come into force from 26th January 1950.*—The amendments made by section 2 of this Act shall be deemed to have come into force with effect from the 26th day of January 1950.

The Industrial Disputes (Appellate Tribunal) (Bombay Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the President on the 22nd April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 30th April 1953.

Bombay Act No. XVI of 1953

An Act to amend the Industrial Disputes (Appellate Tribunal) Act, 1950 in its application to the State of Bombay.

WHEREAS it is expedient to amend the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), in its application to the State of Bombay, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Industrial Disputes (Appellate Tribunal) (Bombay Amendment) Act, 1953.

2. *Insertion of new section 20A in Act XLVIII of 1950.*—After section 20 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), in its application to the State of Bombay, the following new section shall be inserted, namely :—

“20A. *Application of section 20 to settlements of Conciliation Officers, Conciliators and Boards of Conciliation.*—The provisions of section 20 shall apply *mutatis mutandis* to the settlements made by the Conciliation Officers, Conciliators or Boards of Conciliation appointed or constituted under the Industrial Disputes Act, 1947 (XIV of 1947), or under the Bombay Industrial Relations Act, 1946 (Bom. XI of 1947), and for the purposes of the said section 20 such settlements shall be deemed to be awards or decisions of Industrial Tribunals.”

The Gandhi National Memorial Fund (Local Authorities' Donations) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 29th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 2nd May 1953.

Bombay Act No. XVII of 1953

An Act to authorise the use of contributions or donations made by local authorities to the Gandhi National Memorial Fund outside the limits of such local authorities.

WHEREAS it is expedient to make provision for authorising the use of the contributions or donations made by local authorities in the State of Bombay to the fund known as the Gandhi National Memorial Fund, outside the limits of such local authorities ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Gandhi National Memorial Fund (Local Authorities' Donations) Act, 1953.

2. *Definitions.*—In this Act unless there is anything repugnant to the subject or context,—

(1) "the Gandhi National Memorial Fund" means the fund known as the Gandhi National Memorial Fund started under the auspices of the President of the Indian National Congress ;

(2) "local authority" means a municipal corporation constituted under the Bombay Municipal Corporation Act (Bom. III of 1888), or the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), or a municipality constituted under the Bombay District Municipal Act, 1901 (Bom. III of 1901), or the Bombay Municipal Boroughs Act, 1925 (Bom XVIII of 1925), or a district local board constituted under the Bombay Local Boards Act, 1923 (Bom. VI of 1923), or a village panchayat constituted under the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933).

3. *Use of contribution or donation for purposes outside the limits of local authority.*—Notwithstanding anything contained in any enactment in regard to any Municipal Fund or Local Fund, contributions or donations made before or after the commencement of this Act to the Gandhi National Memorial Fund by a local authority and used or to be used for a purpose, object or cause outside the local limits of such local authority shall be deemed to have been validly used and may be used for the said purpose, object or cause :

Provided that nothing in this section shall authorise or shall be deemed to have authorised the trustees of the Gandhi National Memorial Fund to use the amount of such contribution or donation for a purpose, object or cause other than that specified by such local authority.

The Bombay Repealing and Amending Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 30th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 2nd May 1953.

Bombay Act No. XVIII of 1953.

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Repealing and Amending Act, 1953.

2. *Repeal of certain enactments.*—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. *Amendment of certain enactments.*—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof

THE FIRST SCHEDULE.

Repeals.

(See section 2.)

Year. 1	No. 2	Short title. 3	Extent of repeal 4
1870	Bombay Regulation No. XIII.	A regulation for vesting certain jagirdars, saran-jamindars and inamdars, with the power of deciding suits within the boundaries of their respective estates.	The whole.
1835	XIX ...	The Dekkhan Assistant Agent's Appointment Act, 1844.	The whole.

THE FIRST SCHEDULE—*Cont'd.*

Year 1	No. 2	Short title. 3	Extent of amendment. 4
1838	XVI ...	The Bombay Courts of Adalat Act, 1838.	The whole.
1839	XX ...	The Bombay Haqqa Prohibition Act, 1839.	The whole, in so far as it relates to matters with respect to which the State Legislature has power to make laws.
1840	XV ...	The Bombay Regulation XIII of 1830 (Application) Act, 1840.	The whole.
1844	XIX ...	The Bombay Town-Duties Abolition Act, 1844.	The whole.

THE SECOND SCHEDULE.

*Amendments.**(See section 3.)*

Year 1	No. 2	Short title. 3	Extent of amendment. 4
1827	Bombay Regulation No. V.	A Regulation containing rules of judication respecting written acknowledgments of debts executed without receipt of a full consideration, also regarding the tendering payment of debts, and the disposal of property mortgaged or pledged.	In section 9, in the marginal note to the second paragraph, for the words "out of British jurisdiction" the words "at a place not subject to this Act" shall be substituted.
1925	VII	The Bombay Co-operative Societies Act, 1925.	In section 33A— (1) in clause (b), the word "or" shall be deleted; (2) in clause (c), after the words "State Government," the word "or" shall be added.
1947	XXVIII	The Bombay Agricultural Debtors Relief Act, 1947.	For the marginal note to section 57, the following shall be substituted, namely:— "Special provision for application under section 4 in respect of debts due to creditor in merged territory."
1947	XXXII	The Lord Reay Maharashtra Industrial Museum Act, 1947.	In section 6, in paragraph A of sub-section (2), for clause (e) the following shall be substituted, namely:— "(e) the Director of Education, Poona;"
1948	XX	The Poona University Act, 1948.	In section 2, in clause (5), for the words "Director of Public Instruction" the words "Director of Education" shall be substituted.

THE SECOND SCHEDULE—*Contd.*

Year 1	No. 2	Short title. 3	Extent of amendment. 4
1949	Baroda Act XVII	The Maharaja Sayajirao University of Baroda Act, 1949.	In section 2, in clause (ja), for the words "Director of Public Instruction" the words "Director of Education" shall be substituted.
1949	XX	The Karnatak University Act, 1949.	In section 2, in clause (4), for the words "Director of Public Instruction" the words "Director of Education" shall be substituted.
1949	XXV	The Bombay Prohibition Act, 1949.	In section 85, in clause (i) of sub-section (1), after the word, brackets and figure "clause (1)", the words, brackets and figure "or clause (3)" shall be inserted.
1949	L	The Gujrat University Act, 1949.	(1) In section 2, in clause (4), for the words "Director of Public Instruction" the words "Director of Education" shall be substituted. (2) In section 3, in sub-section (1), for the words "the member" the words "the members" shall be substituted.
1949	LIX	The Bombay Provincial Municipal Corporations Act, 1949.	In sub-section (1) of section 244, for the words "shall be granted, or renewed, for any period exceeding two years" the words "may be granted or renewed for a period not exceeding two years" shall be substituted.
1951	XXII	The Bombay Police Act, 1951.	In section 13, for the figures "526" the figures "525" shall be substituted.

The Bombay District Municipal and Village Panchayats (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 1st May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 5th May 1953.

Bombay Act No. XIX of 1953.

An Act to amend the Bombay District Municipal Act, 1901, and the Bombay Village Panchayats Act, 1933.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901 (Bom. III of 1901) and the Bombay Village Panchayats Act, 1933 (Bom VI of 1933), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay District Municipal and Village Panchayats (Amendment) Act, 1953.

2. *Insertion of new section 4A in Bom. III of 1901*—After section 4 of the Bombay District Municipal Act, 1901 (Bom. III of 1901), the following section shall be inserted, namely :—

"4A. Transitional provision when municipal district is converted into village.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, where any local area ceases to be a municipal district by virtue of a notification under section 4 and is declared to be a village under section 4 of the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933),—

(a) the municipality constituted in respect of such area shall cease to exist and all councillors of the municipality shall vacate office as from the date of the notification,

(b) the unexpended balance of the municipal fund and all the property (including arrears of rates, taxes and fees) and all rights and powers which, prior to such notification vested in the municipality or any person or persons appointed to exercise the powers and to perform the functions of such municipality under section 179 as the case may be, shall, subject to all charges and liabilities affecting the same, vest with effect from the date of such notification—

(i) in the district local board within the limits of which such area is included until the village panchayat for such village is duly constituted and holds its first meeting under sub-section (1) of section 12 of the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), and

(ii), thereafter, in such village panchayat.

(2) The unexpended balance and the property referred to in sub-section (1) shall, until the village panchayat is duly constituted and holds its first meeting be utilised for the benefit of the inhabitants of the area in such manner as the district local board may think fit.

(3) Any arrears of rates, taxes and fees vesting in the district local board or the village panchayat as provided in sub-section (1) shall be recoverable under the provisions of the Act under which such district local board or village panchayat is constituted, as if the rates, taxes and fees were imposed and recoverable under that Act :

Provided that steps to recover such arrears of rates, taxes and fees shall be taken within a period of three years from the date on which they so vest in the district local board or the village panchayat, as the case may be.

(4) If any difficulty arises in giving effect to the provisions of this section, the State Government may by order, as occasion may require, do anything which appears to it to be necessary to remove the difficulty."

3. *Insertion of new section 105A in Bom. VI of 1933.*—After section 105 of the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), hereinafter referred to as the Village Panchayats Act, the following section shall be inserted, namely :—

"105A. Transitional provision when village is converted into municipal district.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, where any local area ceases to be a village by virtue of a notification under section 4 and is declared to be a municipal district under section 4 of the Bombay District Municipal Act, 1901 (Bom. III of 1901),—

(a) the panchayat shall be dissolved and all members of the panchayat shall vacate office as from the date of the notification ;

(b) the expended balance of the village fund and property (including arrears of rates, taxes and fees) and all rights and powers which prior to such notification, vested in the village panchayat or any person or persons appointed to exercise the powers of a village panchayat under section 102, as the case may be, shall, subject to all charges and liabilities affecting

the same, vest with effect from the date of such notification—

(i) in the district local board within the limits of which such area is included until the municipality for such municipal district is duly constituted and holds its first general meeting under sub-section (2) of section 17 of the Bombay District Municipal Act, 1901 (Bom. III of 1901), and

(ii) thereafter, in such municipality.

(2) The unexpended balance and the property referred to in sub-section (1), shall until the municipality is duly constituted and holds its first general meeting, be utilised for the benefit of the inhabitants of the area in such manner as the district local board, may think fit.

(3) Any arrears of rates, taxes and fees vesting in the district local board and in the municipality as provided in sub-section (1), shall be recoverable under the provisions of the Act under which such district local board or municipality is constituted as if the rates, taxes and fees were imposed and recoverable under that Act :

Provided that steps to recover such arrears of rates, taxes and fees shall be taken within a period of three years from the date on which they so vest in the district local board or the municipality, as the case may be.

(4) If any difficulty arises in giving effect to the provisions of this section, the State Government may by order, as occasion may require, do anything which appears to it to be necessary to remove the difficulty."

4 *Amendment of section 106 of Bom. VI of 1933.*—In section 106 of the Village Panchayats Act, for the word and figures "or 105" the word, figures and letter " , 105 or 105A" shall be substituted.

The Bombay Police (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 1st May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 5th May 1953.

Bombay Act No. XX of 1953

An Act to amend the Bombay Police Act, 1951.

WHEREAS it is expedient to amend the Bombay Police Act, 1951 (Bom. XXII of 1951), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title and commencement* —(1) This Act may be called the Bombay Police (Amendment) Act, 1953

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. *Insertion of new section 8A in Bom XXII of 1951* —After section 8 of the Bombay Police Act, 1951 (Bom. XXII of 1951), hereinafter referred to as the said Act, the following shall be inserted, namely :—

"8A. *Appointment of Superintendents for Wireless System and Motor Transport System or for any specific duty.*—The State Government may appoint for the whole of the State of Bombay or for any part thereof one or more Superintendents of Police as it may think fit—

(1) for the Police Wireless System ;

(2) for the Police Motor Transport System ; or

(3) for the performance of such specific duties as the State Government may from time to time determine in this behalf, and the Superintendent so appointed shall exercise such powers and perform such functions as the State Government may from time to time assign to him :

Provided that such powers and functions shall be exercised or performed subject to the control of the Inspector-General."

3. *Amendment of section 14 of Bom. XXII of 1951.*—In sub-section (1) of section 14 of the said Act, the words "of and" shall be deleted.

4. *Amendment of section 25 of Bom. XXII of 1951.*—In sub-section (2) of section 25 of the said Act, —

(1) in clause (a), the words beginning with the words “and may suspend” and ending with the words “can be obtained” shall be deleted ;

(2) in clause (b), the words beginning with the words “he may also suspend” and ending with the words “can be obtained” shall be deleted ;

(3) after clause (b), the following shall be inserted, namely :—

“(bb) A Superintendent of Police appointed under section 8A for the Police Wireless System or the Police Motor Transport System or for performing any specific duties shall have the like authority in respect of any Police Officer subordinate to him below the grade of Inspector.”

5. *Amendment of section 29 of Bom. XXII of 1951.*—For sub-section (1) of section 29 of the said Act, the following sub-section shall be substituted, namely :—

“(1) No Police officer of the subordinate ranks shall resign his office or withdraw himself from the duties thereof, except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police Officer empowered by the Inspector-General or the Commissioner to grant such permission :

Provided that, subject to the provisions of sub-section (2), no such permission shall be granted to any such Police Officer until he has fully discharged any debt due by him as such Police Officer to Government or to any Police fund ”

6. *Amendment of section 33 of Bom. XXII of 1951.*—In section 33 of the said Act, in sub-section (1),—

(1) after clause (d) the following clause shall be inserted, namely :—

“(da) licensing, controlling or prohibiting the display of any pictures advertisements, news boards or public notices upon a vessel or boat in territorial waters or on inland waterways other than national waterways;”;

(2) after clause (w), the following clause shall be inserted, namely:—

“(wa) (i) licensing or controlling, with such exceptions as may be specified, the musical, dancing, mimetic or theatrical or other performances for public amusement, including *melas* and *tamashas* ;

(ii) regulating, in the interest of public order, decency or morality or in the interest of the general public, the employment of artists and the conduct of the artists and the audience at such performances ;

(iii) prior scrutiny of such performances by a Board appointed by the State Government or by an Advisory Committee appointed by the Commissioner or the District Magistrate in this behalf ;

(iv) regulating the hours during which and the places at which such performances may be given ;”.

7. *Insertion of new section 63A in Bom. XXII of 1951.*—After section 63 of the said Act, the following heading and section shall be inserted, namely :—

“III. Control of camps, etc., and uniforms

63A. *Control of camps parades, etc., and banning use of uniforms, etc.*—(1) If the State Government is satisfied that it is necessary in the interest of the maintenance of public order so to do, it may by general or special order prohibit or restrict throughout the State of Bombay or any part thereof all meetings and assemblies of persons for the purpose of training or drilling themselves or being trained or drilled to the use of arms, or for the purpose of practising military exercises, movements or evo

lutions, or for the purpose aforesaid of attending or holding or taking any part in any camp, parade or procession.

(2) If the State Government is satisfied that the wearing in public by any member of the body or association or organisation to be specified in the order to be issued hereunder of any dress or article of apparel resembling any uniform or part of uniform required to be worn by a member of the Armed Forces of the Union or by a member of the Police Force or of any force constituted under any law for the time being in force, would be likely to prejudice the security of the State or the maintenance of public order, the State Government may, by general or special order, prohibit or restrict the wearing, or display in public, of any such dress or article of apparel by any member of such body or association or organisation.

(3) Every general or special order under sub-sections (1) and (2) shall be published in the manner prescribed for the publication of a public notice under section 163

Explanation — For the purposes of sub-section (2), a dress or an article of apparel shall be deemed to be worn or displayed in public, if it is worn or displayed in any place to which the public have access."

8. *Amendment of section 72 of Bom. XXII of 1951.*—In section 72 of the said Act, after clause (2) the following clause shall be inserted, namely :—

"(2A) any person who contravenes any order made under sub-section (1) of section 63A ;"

9. *Amendment of section 90 of Bom. XXII of 1951.*—In section 90 of the said Act,—

(1) in sub-section (1), the words and figures "and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections 91, 92, 93 and 94 of this Act any officer appointed in that behalf by the State Government" shall be deleted ;

(2) in sub-section (2), the words "or such officer as aforesaid" shall be deleted.

10. *Insertion of new section 90A in Bom. XXII of 1951.*—After section 90 of the said Act, the following section shall be inserted, namely :—

"90A. *Penalty for allowing cattle to stray in street or to trespass upon private or public property.*—(1) Whoever in Greater Bombay allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished—

(i) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both ;

(ii) for the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) The Magistrate trying the offence under sub-section (1) may order,—

(a) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to produce of land by the cattle under the control of the accused trespassing on his land ; and also

(b) that the cattle in respect of which an offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section

(4) An offence under this section shall be cognizable."

11. *Amendment of section 91 of Bom. XXII of 1951.*—In section 91 of the said Act, the words 'or in such areas as aforesaid' shall be deleted.

12. *Amendment of section 93 of Bom. XXII of 1951.*—In sub-section (1) of section 93 of the said Act, the words and figures "or any other officer appointed under section 90" shall be deleted.

13. *Amendment of section 94 of Bom. XXII of 1951*—In section 94 of the said Act,—

(1) in sub-section (1), the words "for the whole State or for such area as may be specified in the notification" shall be deleted ;

(2) in sub-section (2), the words "or any officer appointed as aforesaid" shall be deleted.

14. *Amendment of section 118 of Bom. XXII of 1951.*—In section 118 of the said Act,—

(1) in sub-section (1), for the words beginning with the words "be punished" and ending with the words "or with both" the following shall be substituted, namely :—

"be punished,—

(i) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both ;

(ii) for the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both."

(2) after sub-section (1), the following shall be inserted namely :—

"(1A) The Magistrate trying the offence under sub-section (1) may order,—

(a) that the accused shall pay such compensation not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to produce of land by the cattle under the control of the accused trespassing on his land ; and also

(b) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government..

(1B) Any compensation awarded under sub-section (1A) may be recovered as if it were a fine imposed under this section.

(1C) The offence under this section shall be cognizable "

15. *Insertion of new section 130A in Bom. XXII of 1951.*—After section 130 of the said Act, the following section shall be inserted, namely :—

"130A. *Gambling in street.*—Whoever assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering shall, on conviction, be punished with fine which may extend to fifty rupees or may be released after a due admonition."

16. *Insertion of new section 143A in Bom. XXII of 1951.*—After section 143 of the said Act, the following section shall be inserted, namely :—

"143A. *Penalty for contravention of orders under section 63A.*—(1) Whoever contravenes any order made under sub-section (1) of section 63A, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) Whoever contravenes any order made under sub-section (2) of section 63A shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine or with both."

17. *Amendment of Schedule II to Bom. XXII of 1951.*—In Schedule II to the said Act, the words “Inspectors and” shall be deleted.

The Bombay Merged States (Laws) (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 1st May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th May 1953.

Bombay Act No. XXI of 1953

An Act to amend the Bombay Merged States (Laws) Act, 1950

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950) for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Merged States (Laws) (Amendment) Act, 1953

2. *Amendment of third Schedule to Bom. IV of 1950.*—In the third Schedule to the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), against the entry relating to the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), in its application to Baroda, in column 3, before entry (1) the following entries shall be inserted, namely :—

“(A1) After section 4, the following section shall be inserted, namely :—

‘4A. *Inclusion of certain industrial areas in Baroda Municipal area from 1st August 1949.*—(1) Notwithstanding anything contained in this Act or the Bombay District Municipal Act, 1901 (Bom. III of 1901) (hereinafter referred to as the District Municipal Act) the area known as the Industrial Zone to the north of the Alembic-Chemical Works Co. Limited, and the area covered by the said Chemical Works, and described in Schedule IA, hereinafter referred to as the said areas, shall be deemed to have been included within the limits of the former Baroda Municipal District from the 1st day of August 1949 to the 30th day of April 1950 (both inclusive) and within the limits of the Baroda Municipal Borough with effect from the 1st day of May 1950.

(2) Any appointment, notification, notice, order, scheme, licence, permission, rule, by-law or form or any tax made, issued or imposed or purported to have been made, issued or imposed and anything done or purported to have been done in respect of any such appointment, notification, notice, order, scheme, licence, permission, rule, by-law, form or tax, under the District Municipal Act or this Act, in respect of the said areas, in so far as such appointment, notification, notice, order, scheme, licence, permission, rule, by-law, form, tax or thing is not inconsistent with the provisions of the District Municipal Act or this Act, as the case may be, shall be legal and valid and shall be deemed to have been legal and valid in respect of the said areas from the dates on which it was made, issued, imposed or done, as the case may be and shall continue in force unless and until it is superseded by any other appointment, notification, notice, order, scheme, licence, permission, rule, by-law, form or tax made, issued or imposed or anything done under this Act.’

(A2) After Schedule I, the following Schedule shall be inserted, namely :—

‘SCHEDULE IA

Beginning from the East-South corner of Survey No. 104 of the Subhanpura village and going along the northern boundary of Survey Nos. 105, 102, 103, 149, 150, 156/1 and 157, then crossing the road and starting from the South-West corner of Survey No. 94, going in North along the village site boundaries of the village Subhanpura up to Survey No. 92

and going through Survey Nos. 1107, 1108, 1109, 1116, 1117, 1118, 1123, 1168, 22, 21, 17 and 18 of the Gorwa village then turning to East and going through Survey Nos. 19 and 20, then crossing the road going along the Gorwa village site boundary up to South-East corner then crossing the road and turning North and going in the North along the western boundary of the road passing by the Gorwa village site, then passing through Survey Nos. 1, 2, 626, 627, 628 and 624 up to the Northern end of the Industrial area, then turning East and coming up to the North-West corner of Survey No. 624 in the Industrial area and then walking along the northern limit of the road and then passing through Survey Nos. 624 and 628, crossing the road and passing through Survey Nos. 700, 699, 698, 694, 695, 760, 761, 759, 758, 766, 767, 754 and 768 up to the North-East corner of the Industrial zone in Survey No. 769, then turning South and going along the eastern boundary of Survey Nos. 753, 752, 751, 1014/1, 1013, 1011/1, 1010/1, 1009, 1007/1-2, 1006, 1005/1-2, 10 4, 1003/1, 1001, 1000 and 999 and then walking along the Railway siding of the Alembic Chemical Works up to its junction with the main lines, then turning to the West and reaching the southern boundary of Survey No. 984 of Gorwa village and walking along the eastern boundary of Survey Nos. 627, 626, 625 and 624 up to its South-East corner and then turning West and walking along its southern boundary and reaching South-West corner of Survey No. 623 and then turning towards North along the boundaries of Survey Nos. 623 and 622 and then crossing the road and reaching the South-East corner of Survey No. 1084 of Gorwa village and turning to the West along the southern boundaries of Survey Nos. 1084, 1085, 1088, 1091, and 1092 reaching to the main road of the Industrial zone.' "

The Bombay Agricultural Debtors Relief (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 2nd May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th May 1953.

Bombay Act No XXII of 1953

An Act to amend the Bombay Agricultural Debtors Relief Act, 1947.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Agricultural Debtors Relief (Amendment) Act, 1953.

2. *Amendment of section 33 of Bom. XXVIII of 1947.*—In section 33 of the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), in sub-section (3), for the words "six per cent." the figures and words "7 13/16 per cent." shall be substituted.

The Bombay Medical (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the President on the 30th April 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 7th May 1953.

Bombay Act No XXIII of 1953

An Act to amend the Bombay Medical Act, 1912.

WHEREAS it is expedient to amend the Bombay Medical Act, 1912 (Bom. VI of 1912), for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Medical (Amendment) Act, 1953.

2. *Amendment of section 13 of Bom. VI of 1912.*—In section 13 of the Bombay Medical Act, 1912 (Bom. VI of 1912), for clause (b), the following shall be substituted, namely :—

“(b) to permit such person or persons as is or are, in the opinion of the Medical Council, specially qualified for the purpose, to attend and be present at any such examination.”

The Bombay Motor Vehicles Tax (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 7th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 11th May 1953.

Bombay Act No. XXIV of 1953

An Act to amend the Bombay Motor Vehicles Tax Act, 1935.

WHEREAS it is expedient to amend the Bombay Motor Vehicles Tax Act, 1935 (Bom. XXXIV of 1935), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Motor Vehicles Tax (Amendment) Act, 1953.

2. *Amendment of section 8 of Bom. XXXIV of 1935.*—In section 8 of the Bombay Motor Vehicles Tax Act, 1935 (Bom. XXXIV of 1935), hereinafter referred to as the said Act, —

(1) in sub-section (1), after the words “police officer” the words “or officer of the Motor Vehicles Department” shall be inserted ; and

(2) in sub-section (2), for the words “a police officer” the words “any such officer” shall be substituted ;

(3) in the marginal note, after the words “police officer” insert the words “and the Motor Vehicles Department officer”.

3. *Amendment of section 20 of Bom. XXXIV of 1935.*—In section 20 of the said Act, for clause (d) of sub-section (2) the following shall be substituted, namely :—

“(d) to prescribe the rank of officers who may exercise power under section 8.”

4. *Amendment of Schedule I to Bom. XXXIV of 1935.*—In Schedule I to the said Act, in Part I, in Article VI, after clause (d) the following shall be inserted, namely :—

“(e) Additional tax payable in respect of such vehicles used for drawing trailers :—

(1) for each trailer not exceeding 1 ton in weight, unladen... 40

(2) for each trailer exceeding 1 ton in weight, unladen ... 80

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.”

The Indian Forest (Bombay Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 8th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 12th May 1953.

Bombay Act No. XXV of 1953

An Act to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Bombay, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Indian Forest (Bombay Amendment) Act, 1953.

2. *Amendment of sections 52, 53 and 55 of Act XVI of 1927.*—In sections 52, 53 and 55 of the Indian Forest Act, 1927 (XVI of 1927), for the word "carts", wherever it occurs, the word "vehicles" shall be substituted.

The Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 8th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 12th May 1953.

Bombay Act No XXVI of 1953

An Act to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901 (Bom. III of 1901), and the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1953

2. *Amendment of section 3 of Bom. III of 1901.*—In section 3 of the Bombay District Municipal Act, 1901 (Bom. III of 1901) (hereinafter referred to as the District Municipal Act), after clause (2) the following clause shall be inserted, namely :—

"(3) 'Director of Local Authorities' shall mean the officer appointed for the time being by the State Government to be the Director of Local Authorities ;"

3. *Amendment of section 15 of Bom. III of 1901.*—In section 15 of the District Municipal Act, in sub-section (1), in clause (a).—

(1) for sub-clause (i) the following shall be substituted, namely :—

"(i) has been convicted by a court in India of any offence and sentenced to transportation or to imprisonment for not less than two years unless a period of five years, or such less period as the State Government may allow in any particular case, has elapsed since his release ; or" ;

(2) in sub-clause (ii), after the figures "16" the words "and five years have not elapsed from the date of such removal" shall be inserted.

4. *Amendment of section 31 of Bom. III of 1901*—In section 31 of the District Municipal Act, after the words "serving on such committee" the words "or, who represent any authority or interest" shall be inserted.

5. *Amendment of section 40 of Bom. III of 1901.*—In section 40 of the District Municipal Act, in sub-section (4), for the portion beginning with the brackets and letter "(a)" and ending with the letters and figures "Rs. 250" the letters and figures "Rs. 1,000" shall be substituted.

6. *Amendment of section 53 of Bom. III of 1901.*—In section 53 of the District Municipal Act, in sub-section (1).—

(1) after the words "at Bombay" the words "or in any other scheduled bank" shall be inserted ;

(2) the following Explanation shall be added at the end, namely :—

"*Explanation.*—For the purposes of this sub-section, a scheduled bank shall mean a bank included in the Second Schedule to the Reserve Bank of India Act, 1934."

7. *Amendment of section 56 of Bom. III of 1901.*—In section 56 of the District Municipal Act, after clause (kk-iv) the following clause shall be inserted, namely :—

"(kk-v) making contributions towards the construction, establishment or maintenance of educational institutions including libraries and

museums, any hospital, dispensary or similar institution providing for public medical relief, or any other institution of a charitable nature ;”

8 *Amendment of section 65 of Bom. III of 1901.*—In section 65 of the District Municipal Act,—

(1) in sub-section (5), for the word “specified” the word “entered” shall be substituted ;

(2) in sub-section (6), in clause (b), after the word “deposited” the words and figures “and the entries, if any, inserted in the said list under the provisions of section 66” shall be inserted.

9 *Amendment of section 66 of Bom. III of 1901.*—In section 66 of the District Municipal Act,—

(1) in sub-section (1), for the portion beginning with the words “by inserting the name of any person” and ending with the words “accident or mistake”, the following shall be substituted, namely :—

“by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list.” ;

(2) for sub-section (3) the following shall be substituted, namely :—

“(3) *Effect of amendment*—An entry or alteration made under this section shall, subject to the provisions of section 86, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, and in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed ; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.”

10. *Amendment of section 83 of Bom. III of 1901.*—In section 83 of the District Municipal Act, for sub-section (2A) the following shall be substituted, namely :—

“(2A) *To whom warrant should be addressed*—(a) Where the property is in the municipal district the warrant shall be addressed to an officer of the municipality ;

(b) where the property is in another municipal district or in a municipal borough, the warrant shall be addressed to the Vice-President of the municipality or to the Chief Officer of the municipal borough, as the case may be ;

(c) where the property is within the limits of a Corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the warrant shall be addressed to the Municipal Commissioner of such Corporation ;

(d) where the property is in a cantonment, the warrant shall be addressed to the Executive Officer of the cantonment ;

(e) where the property is not within limits of such Corporation or a municipal borough, municipal district or cantonment, the warrant shall be addressed to a Government Officer not lower in rank than a Mahalkari ;

(f) where the property is in Greater Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay ;

Provided that such Chief Officer, Vice-President, Municipal Commis-

sioner, Executive Officer, Government Officer or Registrar may endorse such warrant to a subordinate Officer."

11. *Amendment of section 137 of Bom. III of 1901.*—In section 137 of the District Municipal Act, for the words "shall be punished with fine which may extend to twenty-five rupees" the following shall be substituted, namely :—

"shall, on conviction, be punished—

(a) for a first offence, with fine which may extend to one hundred rupees ;

(b) for any subsequent offence, with fine which may extend to two hundred and fifty rupees."

12. *Insertion of new section 140B in Bom. III of 1901.*—After section 140A of the District Municipal Act, the following section shall be inserted, namely :—

"140B. *Power to remove persons from municipal markets.*—If any officer specially empowered in this behalf by the Municipality is satisfied that any person occupying any stall or space in any market is in unauthorised occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with the previous sanction of the Municipality, require such person to vacate the stall or space within such time as may be mentioned in the requisition and if such person fails to comply with the requisition, such person may, in addition to any penalty which may be imposed under this Act, be summarily removed from the stall or space."

13. *Amendment of section 151 of Bom. III of 1901.*—In section 151 of the District Municipal Act, for clause (i) of sub-section (1) the following shall be substituted, namely :—

(i) for manufacturing or preparing by any process whatever, bricks, pottery, or lime ;".

14. *Amendment of section 173 of Bom. III of 1901.*—In section 173 of the District Municipal Act,—

(1) in sub-section (1), for the words "The Collector" the words "The Director of Local Authorities or the Collector" shall be substituted ;

(2) in the marginal note to the said section, for the words "Collector's powers" the words "Powers" shall be substituted.

15. *Amendment of section 174 of Bom. III of 1901.*—For section 174 of the District Municipal Act, the following section shall be substituted, namely :—

"174. *Powers of Director of Local Authorities to suspend execution of orders, etc., of Municipalities.*—(1) If, in the opinion of the Director of Local Authorities, the execution of any order or resolution of a Municipality, or the doing of anything which is about to be done or is being done by or on behalf of a Municipality, is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may by order in writing under his signature suspend the execution or prohibit the doing thereof.

(2) When the Director of Local Authorities makes any order under this section, he shall forthwith forward to the Municipality affected thereby a copy of the order, with a statement of the reasons for making it and also submit a report to the State Government along with copies of such order and statement.

(3) The State Government may rescind the order or may revise or modify or confirm the order or direct that the order shall continue to be in force, with or without modification, permanently or for such period as it

may specify."

16. Amendment of section 175 of Bom. III of 1901.—In section 175 of the District Municipal Act, for the word "Collector", wherever it occurs, the words "Director of Local Authorities" shall be substituted.

17. Amendment of section 3 of Bom. XVIII of 1925.—In section 3 of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), (hereinafter referred to as the Municipal Boroughs Act), after clause (5) the following clause shall be inserted, namely :—

"(5A) 'Director of Local Authorities' shall mean the officer appointed for the time being by the State Government to be the Director of Local Authorities ;".

18. Amendment of section 12 of Bom. XVIII of 1925.—In section 12 of the Municipal Boroughs Act, in sub-section (1), in clause (a),—

(1) for sub-clause (i), the following shall be substituted, namely :—

"(i) has been convicted by a court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the State Government may allow in any particular case, has elapsed since his release ; or" ;

(2) in sub-clause (ii), the words "of the expiry" shall be deleted.

19. Amendment of section 40 of Bom. XVIII of 1925.—In section 40 of the Municipal Boroughs Act, after the words "serving on such committee" the words "or who represent any authority or interest" shall be inserted

20. Amendment of section 50 of Bom. XVIII of 1925.—In section 50 of the Municipal Boroughs Act, in sub-section (1),—

(1) the words "at least seven days" shall be deleted ;

(2) the following shall be added at the end, namely :—

"Provided that at least clear seven days shall be allowed to elapse between the date of the publication of the advertisement in the newspaper inviting tenders and the last date fixed for the receipt of tenders by the Chief Officer".

21. Amendment of section 67 of Bom. XVIII of 1925 —In section 67 of the Municipal Boroughs Act, in sub-section (1),—

(1) after the words "at Bombay" the words "or in any other scheduled bank" shall be inserted ;

(2) the following Explanation shall be added at the end, namely :—

"Explanation — For the purposes of this sub-section, a scheduled bank shall mean a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934)."

22. Amendment of section 71 of Bom. XVIII of 1925.—In section 71 of the Municipal Boroughs Act, after clause (qq) the following clause shall be inserted, namely :—

"(qq-i) making contributions towards the construction, establishment or maintenance of educational institutions including libraries and museums, any hospital, dispensary or similar institution providing for public medical relief, or any other institution of a charitable nature".

23. Amendment of section 105 of Bom. XVIII of 1925.—In section 105 of the Municipal Boroughs Act, for sub-section (2) the following shall be substituted, namely :—

"(2) *To whom warrant should be addressed.*—(a) Where the property is in the municipal borough, the warrant shall be addressed to an officer of the municipality ;

(b) where the property is in another municipal borough or in a municipal district, the warrant shall be addressed to the Chief Officer of the

municipal borough or to the Vice-President of the municipality, as the case may be ;

(c) where the property is within the limits of a Corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the warrant shall be addressed to the Municipal Commissioner of such Corporation ;

(d) where the property is in a cantonment, the warrant shall be addressed to the Executive Officer of the cantonment ;

(e) where the property is not within the limits of such Corporation or a municipal borough, municipal district or cantonment, the warrant shall be addressed to a Government Officer not lower in rank than a Mahalkari ;

(f) where the property is in Greater Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay :

Provided that such Chief Officer, Vice-President, Municipal Commissioner, Executive Officer, Government Officer or Registrar may endorse such warrant to a subordinate officer."

24. *Amendment of section 169 of Bom. XVIII of 1925.*—In section 169 of the Municipal Boroughs Act, for the words "shall be punished with fine which may extend to twenty-five rupees" the following shall be substituted, namely :—

"shall, on conviction, be punished—

(a) for a first offence, with fine which may extend to one hundred rupees ;

(b) for any subsequent offence, with fine which may extend to two hundred and fifty rupees."

25. *Insertion of new section 174A in Bom. XVIII of 1925.*—After section 174 of the Municipal Boroughs Act, the following section shall be inserted, namely :—

"174A. *Power to remove persons from municipal markets.*—If any officer specially empowered in this behalf by the municipality is satisfied that any person occupying any stall or space in any market is in unauthorised occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with the previous sanction of the municipality, require such person to vacate the stall or space within such time as may be mentioned in the requisition and if such person fails to comply with the requisition, such person may, in addition to any penalty which may be imposed under this Act, be summarily removed from the stall or space."

26. *Amendment of section 186 of Bom. XVIII of 1925.*—In section 186 of the Municipal Boroughs Act, for clause (i) of sub-section (1) the following shall be substituted, namely :—

"(i) for manufacturing or preparing by any process whatever bricks, pottery or lime,"

27. *Amendment of section 213 of Bom. XVIII of 1925.*—In section 213 of the Municipal Boroughs Act, in sub-section (2), for the words "The Collector" the words "The Director of Local Authorities or the Collector" shall be substituted.

28. *Amendment of section 214 of Bom. XVIII of 1925.*—For section 214 of the Municipal Boroughs Act, the following section shall be substituted, namely :—

"214. *Powers of Director of Local Authorities to suspend execution of orders, etc., of municipalities.*—(1) If, in the opinion of the Director of

Local Authorities, the execution of any order or resolution of a municipality, or the doing of anything which is about to be done or is being done by or on behalf of a municipality, is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may by order in writing under his signature suspend the execution or prohibit the doing thereof.

(2) When the Director of Local Authorities makes any order under this section he shall forthwith forward to the municipality affected thereby a copy of the order with a statement of the reasons for making it and also submit a report to the State Government along with copies of such order and statement.

(3) The State Government may rescind the order or may revise or modify or confirm the order or direct that the order shall continue to be in force, with or without modification, permanently or for such period as it may specify :

Provided that the order shall not be revised, modified or confirmed by the State Government without giving the municipality reasonable opportunity of showing cause against the order."

29. *Amendment of section 215 of Bom. XVIII of 1925.*—In section 215 of the Municipal Boroughs Act, for the word "Collector", wherever it occurs, the words "Director of Local Authorities" shall be substituted.

30. *Amendments made by sections 6 and 21 to have retrospective effect.*—The amendments made by sections 6 and 21 shall be deemed to have been made on and to have effect from the 20th day of November 1951.

The Prisons (Bombay Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the President on the 6th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 13th May 1953.

Bombay Act No. XXVII of 1953

An Act to amend the Prisons Act, 1894, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Prisons Act, 1894 (IX of 1894), in its application to the State of Bombay; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Prisons (Bombay Amendment) Act, 1953.

2. *Amendment of section 3 of Act IX of 1894.*—In section 3 of the Prisons Act, 1894 (IX of 1894), hereinafter referred to as the said Act, for clause (5), the following clauses shall be substituted, namely :—

"(5) 'remission system' means the system of regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jail in accordance with the rules for the time being in force ;

(5A) 'furlough system' means the system of releasing prisoners in jail on furlough in accordance with the rules for the time being in force."

3. *Amendment of section 46 of Act IX of 1894.*—In section 46 of the said Act, in clause (4), for the words "the remission system" the words "the remission or furlough system" shall be substituted.

4. *Amendment of section 47 of Act IX of 1894.*—In section 47 of the said Act, in clause (4) of sub-section (1), for the words "the remission system" the words "the remission or furlough system" shall be substituted.

5. *Insertion of new section 48A in Act IX of 1894.*—After section 48 of the said Act, the following section shall be inserted, namely :—

"48A. *Punishment for breach of conditions of suspension of sentence, etc.*—If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may, after obtaining his explanation, punish such offence by—

- (1) a formal warning as provided in clause (1) of section 46 ;
- (2) reduction in grade if such prisoner has been appointed an officer of prison ;
- (3) loss of privileges admissible under the remission or furlough system ; or
- (4) loss of such other privileges as the State Government may by general or special order direct."

6. *Amendment of section 59 of Act IX of 1894.*—In section 59 of the said Act, for clause (5), the following clause shall be substituted, namely :—

"(5) for the award of marks, granting remission or furlough, determining the conditions on which and the authority by which such remission or furlough shall be granted and the consequent shortening of the sentence."

The Bombay Public Trusts (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 13th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 14th May 1953.

Bombay Act No. XXVIII of 1953

An Act to amend the Bombay Public Trusts Act, 1950.

WHEREAS it is expedient to amend the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), for the purposes hereinafter appearing ; It is hereby enacted as follows, namely :—

1. *Short title.*—This Act may be called the Bombay Public Trusts (Amendment) Act, 1953.

2. *Amendment of section 2 of Bom. XXIX of 1950.*—In section 2 of the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), hereinafter referred to as the said Act, in clause (10), for the word "means", the word "includes" shall be substituted.

3. *Amendment of section 20 of Bom. XXIX of 1950.*—To section 20 of the said Act, the following shall be added, namely :—

"and may make an order for the payment of the registration fee".

4. *Amendment of section 33 of Bom. XXIX of 1950.*—In section 33 of the said Act,—

(1) in sub-section (3), for the word "manager" the word "trustee" shall be substituted ;

(2) in sub-section (4),—

(i) after the words "preceding sub-sections" the brackets and letter "(a)" shall be inserted ; and

(ii) after the words "for such special audit" the following shall be added, namely :—

"and

(b) the State Government may, by general or special order, exempt any public trust or class of public trusts from the provisions of sub-section (2), subject to such conditions as may be specified in the order."

5. *Amendment of section 38 of Bom. XXIX of 1950.*—In section 38 of the said Act, after the figures "34" the words and figures "or of a

report, if any, made by an officer authorised under section 37" shall be inserted.

6. *Amendment of section 39 of Bom. XXIX of 1950.*—In section 39 of the said Act, for the words "of the report of the auditor" the words and figures "of any report referred to in section 35" shall be substituted.

7. *Amendment of section 47 of Bom. XXIX of 1950.*—In section 47 of the said Act,—

(1) in sub-section (3), for the words "may appoint" the words "may by order appoint" shall be substituted ;

(2) in sub-section (6), for the word "decision" the word "order" shall be substituted.

8. *Insertion of new section 47A in Bom. XXIX of 1950.*—After section 47 of the said Act, the following new section shall be inserted, namely :—

"47A. *Power to Court to vest property in new trustees.*—It shall be lawful for the Court upon making any order appointing a new trustee under sub-section (3) of section 47, either by the same or by any subsequent order to direct that any property subject to the trust shall vest in the person so appointed."

9. *Amendment of section 50 of Bom. XXIX of 1950*—In section 50 of the said Act, after clause (c), the following shall be inserted, namely :—
"(cc) vesting any property in a trustee."

10. *Amendment of section 52 of Bom. XXIX of 1950.*—(1) Section 52 of the said Act shall be renumbered as sub-section (1) of that section and in the proviso to the sub-section as so renumbered, for the words "Provided that if" the brackets, figure and word "(2) if" shall be substituted.

(2) In sub-section (2) so renumbered, for the words "any court including the High Court" the words "any Civil Court of competent jurisdiction" shall be substituted.

(3) After sub-section (2), the following new sub-section shall be inserted, namely :—

"(3) Any reference to the Advocate General made in any instrument, scheme, order or decree of any Civil Court of competent jurisdiction made or passed, whether before or after the said date, shall be construed as a reference to the Charity Commissioner."

11. *Amendment of section 53 of Bom. XXIX of 1950*—In section 53 of the said Act, in sub-section (1), for the words "such will" the word "such trust" shall be substituted.

12. *Amendment of section 55 of Bom. XXIX of 1950.*—In section 55 of the said Act, in sub-section (1),—

(i) for the words "If at any time" the words "If upon an application made to him or otherwise" shall be substituted ; and

(ii) for the words "give notice in writing to the trustees to apply to the Court within the time prescribed for directions" the words "require the trustees to apply within the prescribed time for directions to the Court within the local limits of whose jurisdiction the whole or part of the subject matter of the trust is situate" shall be substituted.

13. *Insertion of new sections 56A and 56B in Bom. XXIX of 1950.*—After section 56 of the said Act, the following new sections shall be inserted, namely :—

"56A. *Powers of trustee to apply for directions.*—(1) Save as hereinbefore provided in this Act, any trustee of a public trust may apply to the Court, within the local limits of whose jurisdiction the whole or part

of the subject-matter of the trust is situate, for the opinion, advice or direction of the Court on any question affecting the management or administration of the trust property or income thereof, and the Court shall give its opinion, advice, or direction, as the case may be, thereon :

Provided that the Court shall not be bound to give such opinion, advice or direction on any question which it considers to be a question not proper for summary disposal.

(2) The Court, on an application under sub-section (1), may give its opinion, advice or direction thereon after giving notice to the Charity Commissioner. The Court before giving any opinion, advice or direction shall afford a reasonable opportunity of being heard to all persons appearing in connection with the application.

(3) A trustee stating in good faith the facts of any matter relating to the trust in an application under sub-section (1), and acting upon the opinion, advice or direction of the Court given thereon, shall be deemed, as far as his own responsibility is concerned, to have discharged his duty as such trustee in the matter in respect of which the application was made.

(4) No appeal shall lie against any opinion, advice or direction given under this section.

56B. *Proceedings involving question affecting public charitable or religious purpose.*—(1) In any suit or legal proceedings in which it appears to the Court that any question affecting a public religious or charitable purpose is involved, the Court shall not proceed to determine such question until after notice has been given to the Charity Commissioner.

(2) If upon the receipt of such notice or otherwise the Charity Commissioner makes any application in that behalf, he shall be added as a party at any stage of such suit or proceedings.

(3) In this section "Court" shall mean any Civil Court of competent jurisdiction in the State of Bombay.

14. *Amendment of section 64 of Bom. XXIX of 1950.*—In section 64 of the said Act,—

(1) for clause (a) the following clause shall be substituted, namely:—

"(a) an inquiry under section 19 or an inquiry under section 22 relating to a public trust other than a society referred to in section 2(13);"

(2) clause (b) shall be deleted ;

(3) after clause (d), the following proviso shall be added, namely :—

"Provided that in inquiries specified in clause (a) where no contest is involved the Deputy or Assistant Charity Commissioner may for reasons to be recorded in writing order that assessors shall not be so summoned."

15. *Amendment of section 70 of Bom. XXIX of 1950.*—In section 70 of the said Act, in sub section (1),—

(i) for the words "against the finding" the words "against the finding or order" shall be substituted ;

(ii) in clause (a) after the word "finding" the words "and order, if any," shall be inserted.

16. *Amendment of section 77 of Bom. XXIX of 1950.*—In section 77 of the said Act,—

(a) after the figures "18", the figures "20," shall be inserted ; and

(b) for the word, figures and letter "or 79 C" the figures, letters and word "79C or 79CC" shall be substituted.

17. *Insertion of new section 79CC in Bom. XXIX of 1950.*—After section 79C of the said Act, the following new section shall be inserted, namely :—

"79CC. *Compensatory costs for frivolous or vexatious proceedings before Charity Commissioner, etc.*—(1) If in an inquiry under section 19 the Deputy or Assistant Charity Commissioner or in an inquiry under section 51 the Charity Commissioner is of opinion that the application on which such inquiry was commenced was either frivolous or vexatious the Deputy or Assistant Charity Commissioner or the Charity Commissioner, as the case may be, may at the request of the person against whom such application was made (hereinafter referred to as 'the opponent') call upon the person making the application (hereinafter referred to as 'the applicant') to show cause why the applicant should not pay compensation to the opponent and if the applicant is not present, direct the issue of a summons to him to appear and show cause as aforesaid.

(2) If the Deputy or Assistant Charity Commissioner or the Charity Commissioner, as the case may be, is satisfied that the application was either frivolous or vexatious he may, after recording reasons, order that compensation to such amount not exceeding two hundred and fifty rupees as he may determine be paid by the applicant to the opponent.

(3) An appeal shall lie against an order awarding compensation under sub-section (2) if made by the Deputy or Assistant Charity Commissioner to the Charity Commissioner and if made by the Charity Commissioner to the Bombay Revenue Tribunal and the provisions of sections 70 and 71 shall *mutatis mutandis* apply to such appeal."

18. *Amendment of section 85 of Bom. XXIX of 1950.*—In section 85 of the said Act—

(1) in sub-section (2),—

(a) for the words "On the application" the words "On the date of the application" shall be substituted;

(b) after the word and figure "section 1" the brackets and words "(hereafter in this section referred to as the said date)" shall be inserted;

(2) in sub-section (3),—

(a) for the words "Such repeal" the words "Save as otherwise provided in this section, such repeal" shall be substituted;

(b) for the words "the date of the application of this Act", where at both the places they occur, the words "the said date" shall be substituted;

(3) after sub-section (3) the following sub-sections shall be added, namely:—

"(4) Notwithstanding anything contained in sub-section (3) all proceedings pending before any authority under the Mussalman Wakf Act, 1923 (XLII of 1923) (as amended by the Mussalman Wakf (Bombay Amendment) Act, 1935 (Bom. XVIII of 1935)), the Bombay Public Trusts Registration Act, 1935 (Bom. XXV of 1935), or the Parsi Public Trusts Registration Act, 1936 (Bom. XXIII of 1936), immediately before the said date shall be transferred to the Charity Commissioner and any such proceedings shall be continued and disposed of by the Charity Commissioner or the Deputy or Assistant Charity Commissioner as the Charity Commissioner may direct. In disposing of such proceedings the Charity Commissioner, the Deputy Charity Commissioner or the Assistant Charity Commissioner, as the case may be, shall have and exercise the same powers which were vested in and exercised by the Court under the Mussalman Wakf Act, 1923 (XLII of 1923) (as amended by the Mussalman Wakf (Bombay Amendment) Act, 1935 (Bom. XVIII of 1935)), and by the Registrars under the Bombay Public Trusts Registration Act, 1935 (Bom. XXV of 1935), and the Parsi Public Trusts Registration Act, 1936 (Bom. XXIII of 1936), and shall pass such orders as may be just or proper.

(5) All records maintained by the authority or Court under any of

the Acts referred to in sub-section (4) shall be transferred to the Charity Commissioner, or to the Deputy or Assistant Charity Commissioner as the Charity Commissioner may direct."

19. *Amendment of Schedule B to Bom. XXIX of 1950.*—In Schedule B to the said Act,—

(1) for the entry relating to section 36, the following entry shall be substituted, namely :—

"36. Application for sanction of the Charity Commissioner for—

(a) sale, mortgage, exchange or gift of immovable property—

(i) where the value of the property involved does not exceed Rs. 2,000. ... Rs. 2

(ii) where the value of the property involved exceeds Rs. 2,000 but does not exceed Rs. 10,000 ... Rs. 5

(iii) in any other case ... Rs. 10

(b) lease of immovable property—

(i) where the average annual rent reserved does not exceed Rs. 100 ... Rs. 2

(ii) where the average annual rent reserved exceeds Rs. 100 but does not exceed Rs. 500 ... Rs. 5

(iii) in any other case ... Rs. 10

(2) for the entry relating to section 47(1), the following entry shall be substituted, namely :—

"47(1) and 47A. Application to the Court by the Charity Commissioner or any person having interest in a public trust or any trustee of a public trust for the appointment of a new trustee or for the vesting of property or for both ... Rs. 10."

(3) before the last entry relating to any other application or petition, the following shall be inserted, namely :—

"Application to the Charity Commissioner or the Deputy or Assistant Charity Commissioner for copies under the Act ... As. 3."

The Bombay Evacuee Interest (Separation) Validating and Supplementary Act, 1953.

The following Act of the Bombay Legislature has been assented to by the Governor on the 13th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 14th May 1953.

Bombay Act No. XXIX of 1953

An Act to validate and supplement certain provisions of the Evacuee Interest (Separation) Act, 1951, in its application to the State of Bombay.

WHEREAS it is expedient to validate and supplement certain provisions of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), in its application to the State of Bombay ; It is hereby enacted as follows :—

1 *Short title, extent and commencement.*—(1) This Act may be called the Bombay Evacuee Interest (Separation) Validating and Supplementary Act, 1953.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force at once.

2. *Supplementing and validating of certain provisions of Act LXIV of 1951.*—(a) The provisions of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), shall in so far as they relate to any of the matters enumerated in List II in the Seventh Schedule to the Constitution be deemed to be and always to have been valid and effectual for all purposes as if they

had been in relation to any such matters as aforesaid enacted by the State Legislature with effect from the 15th day of December 1952 ; and

(b) any order made or action taken by any competent authority or anything duly done under the said Act on and after the aforesaid date in so far as such order, action or thing relates to any such matters as aforesaid shall not be called in question on the ground that the order, action or thing is invalid and ineffectual by reason of the incompetence of Parliament to make laws relating to any of the aforesaid matters.

The Bombay Primary Education (Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the President on the 15th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 27th May 1953.

Bombay Act No. XXXIII of 1953

An Act to amend the Bombay Primary Education Act, 1947.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), for the purposes hereinafter appearing ; It is hereby enacted as follows :

1. *Short title.* - This Act may be called the Bombay Primary Education (Amendment) Act, 1953.

2. *Amendment of section 20 of Bom. LXI of 1947.* - In section 20 of the Bombay Primary Education Act, 1947 (Bom. LXI of 1947) (hereinafter referred to as the said Act) -

(i) to sub-section (2) the following shall be added, namely :—

“Such staff maintained by a district school board shall receive their provident fund from the fund established under section 46A and the primary school teachers maintained by an authorised Municipality shall receive their provident fund from the primary education fund.” ;

(ii) in sub-section (2-A), the words “and for the primary school teachers maintained by authorised municipalities” shall be deleted ;

(iii) in sub-section (3), for the words, brackets, figure and letter, “the staff and teachers referred to in sub-section (2-A)” the words “all the members of the staff maintained by a district school board and of the primary school teachers maintained by an authorised municipality” shall be substituted.

3. *Amendment of section 46 A of Bom. LXI of 1947.*—In section 46 A of the said Act,—

(i) in sub-section (1), the words “or for the primary school teachers maintained by authorized Municipalities” shall be deleted ;

(ii) in sub-section (2)—

(a) for the words “or an authorized municipality for such staff or teachers, as the case may be,” the words “for such staff” shall be substituted ;

(b) the words “or the authorised municipality” and “or authorised municipality” shall be deleted ;

(iii) in sub-section (3), the words “or the authorized municipality” shall be deleted.

4. *Amendment of section 63 of Bom. LXI of 1947.*—In section 63 of the said Act, in sub-section (2)—

(i) after clause (e), the following clause shall be inserted, namely :—

“(ee) provident funds, gratuities and pensions for the primary school teachers maintained by an authorised municipality ;”

(ii) in clause (f), the words “and primary school teachers maintained by authorised municipalities” shall be deleted ;

(iii) in clause (fa), the words "and teachers" shall be deleted

The Bombay Criminal Procedure Amendment Act, 1953.

The following Act of the Bombay Legislature has been assented to by the President on the 26th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 3rd June 1953.

Bombay Act No. XXXIV of 1953

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay and the Bombay Separation of Judicial and Executive Functions Act, 1951.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898 (V of 1898), in its application to the State of Bombay and the Bombay Separation of Judicial and Executive Functions Act, 1951 (Bom. XXIII of 1951), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Criminal Procedure Amendment Act, 1953.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

2. *Amendment of section 12 of Act V of 1898.*—In the Code of Criminal Procedure, 1898 (V of 1898), in its application to the State of Bombay (hereinafter called the said Code), in sub-section (1) of section 12, for the words 'may, from time to time' the words "the Sessions Judge, subject to the control of the High Court, may, from time to time" shall be substituted.

3. *Amendment of section 13 of Act V of 1898.*—For section 13 of the said Code, the following section shall be substituted, namely :—

"13. *Appointment of Sub-Divisional Magistrates and Taluka Magistrates and their jurisdiction.*—(1) The State Government may appoint as many persons as it thinks fit to be Sub-Divisional Magistrates and Taluka Magistrates in any district outside Greater Bombay.

(2) The State Government or, subject to the control of the State Government, the District Magistrate may place,—

- (i) any Sub-Divisional Magistrate in charge of a sub-division, and
- (ii) any Taluka Magistrate in charge of a taluka or mahal."

4. *Amendment of section 37 of Act V of 1898.*—For section 37 of the said Code, the following shall be substituted, namely :—

"37. *Additional powers conferable on Magistrates.*—(1) In addition to his ordinary powers,—

(a) the State Government may invest any Magistrate with any of the powers as specified in the fourth Schedule, and

(b) a Sessions Judge may invest any Judicial Magistrate within his local jurisdiction with the powers as specified in sub-part (B) of Part I of the fourth Schedule.

(2) (i) The power under clause (a) of sub-section (1) shall be exercised by the State Government in the case of Judicial Magistrates in consultation with the High Court.

(ii) The power under clause (b) of sub-section (1) shall be exercised by the Sessions Judge with the approval of the High Court.

(3) The State Government may authorize a District Magistrate to invest any Magistrate subordinate to him with any of the powers specified in Part II of the Fourth Schedule."

5. *Amendment of section 144 of Act V of 1898.*—In section 144 of the said Code,—

(1) in sub-section (1),—

(a) after the words "a Chief Presidency Magistrate" the words "the Commissioner of Police" shall be inserted ;

(b) after the words "such Magistrate", wherever they occur, the words "or the Commissioner of Police" shall be inserted ;

(2) in sub-section (4), after the word "office," the following shall be inserted, namely :—

"If the order under this section is made by the Commissioner of Police, the Commissioner of Police may either of his own motion, or on the application of any person aggrieved, rescind or alter such order." ;

(3) in sub-section (5), after the word "Magistrate", wherever it occurs, the words "or the Commissioner of Police" shall be inserted. *

(4) after sub-section (5), the following shall be inserted namely :—

"(5A) The provisions of sub-section (4) of section 435 shall apply to an order passed by the Commissioner of Police under this section."

6 *Amendment of section 145 of Act V of 1898*—In section 145 of the said Code, in sub-section (1), after the words "whenever a" the words "Chief Presidency Magistrate", shall be inserted.

7 *Amendment of section 148 of Act V of 1948.*—In section 148 of the said Code, in sub-section (1), after the words "any District Magistrate," the words "a Chief Presidency Magistrate" shall be inserted.

8. *Amendment of section 190 of Act V of 1898*—In section 190 of the said Code, in sub-section (1), for the words "in this behalf by the State Government in consultation with the High Court" the words and figures "in that behalf under section 37" shall be substituted.

9. *Amendment of section 518 of Act V of 1898.*—In section 518 of the said Code—

(1) for the words "to the District Magistrate or to a Sub-Divisional Magistrate" the words "in Greater Bombay, to a Presidency Magistrate specially empowered by the State Government and elsewhere, to the District Magistrate or a Sub-Divisional Magistrate" shall be substituted ;

(2) in the marginal note to the said section, for the words "District or Sub-Divisional Magistrate" the words "Presidency, District or Sub-Divisional Magistrate" shall be substituted.

10. *Amendment of Schedule III to Act V of 1898.*—In Schedule III to the said Code,—

(1) in Part IV—

(a) after item (20), the following shall be inserted, namely :—

"(20c) Power to require security for good behaviour, section 103 ;"

(b) item (9) shall be deleted ;

(2) in Part V, in item (4), the words "in case of sedition" shall be deleted.

11. *Amendment of Schedule IV to Act V of 1898*—In Schedule IV to the said Code. —

(1) in Part I,—

(i) after the word and figure "Part I" the brackets and letter "(A)" shall be inserted ;

(ii) the following shall be added after entry 4 under the heading "Powers with which a Magistrate of the Third Class may be invested", namely :—

"(B) By A SESSIONS JUDGE.

Powers with which any Judicial Magistrate may be invested.

1. Power to take cognizance of offences upon complaint, section 190 ;

2. Power to take cognizance of offences upon police reports, section 190.”;

(2) in Part II, after entry 6 under the heading “*Powers with which any other Executive Magistrate may be invested*”, the following shall be inserted, namely :—

“*Powers with which a Taluka Magistrate may be invested.*”

Power to require security to keep the peace, section 107.”

12. *Amendment of section 4 of Bom. XXIII of 1951.*—Section 4 of the Bombay Separation of Judicial and Executive Functions Act, 1951 (Bom. XXIII of 1951), hereinafter referred to as the Separation of Judicial and Executive Functions Act, shall be numbered as sub-section (1) of the same section and—

(1) in sub-section (1) so numbered,—

(a) for the words “Nothing in this Act” the words “Save as provided in this section, nothing in this Act” shall be substituted ;

(b) for clause (e) the following shall be substituted, namely :—

“and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of the relevant enactments as amended by this Act.”

(2) after sub-section (1) so numbered, the following sub-section shall be inserted, namely :—

“(2) All legal proceedings pending before a Magistrate or Court on the date on which this Act comes into force shall, if such Magistrate or Court ceases to have jurisdiction in respect of such proceedings under the provisions of the relevant enactments as amended by this Act, stand transferred to the Magistrate or Court having jurisdiction under the provisions of the relevant enactments as amended by this Act and shall be heard and disposed of by such Magistrate or Court and such Magistrate or Court shall have all the powers and jurisdiction thereof as if they had been originally instituted before such Magistrate or in such Court.”

13. *Amendment of Schedule to Bom. XXIII of 1951.*—In Part II of the Schedule to the Separation of Judicial and Executive Functions Act, before the entry relating to the Metal Tokens Act, 1889 (I of 1889), the following shall be inserted in columns 1 to 4, namely :—

“1	2	3	4
1871	I	The Cattle trespass Act, 1871.	(1) in section 20, for the words ‘the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District’ the words ‘the Magistrate of the First Class’ shall be substituted. (2) in sections 24, 26 and 27 the words ‘before a Magistrate’ shall be deleted.”

The Land Acquisition (Bombay Amendment) Act, 1953.

The following Act of the Bombay Legislature has been assented to by the President on the 30th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th June 1953.

Bombay Act No XXXV of 1953.

An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Land Acquisition Act, 1894 (I of 1894), in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Land Acquisition (Bombay Amendment) Act, 1953.

2. *Amendment of section 3 of Act I of 1894.*—In section 3 of the Land Acquisition Act, 1894 (I of 1894), (hereinafter referred to as the said Act),—

(1) in clause (d), the following shall be added at the end, namely :—
“and shall, in relation to any proceedings under this Act, include the Court of a Civil Judge (Senior Division) to which the principal Civil Court may transfer any such proceedings ;”;

(2) in clause (f),—

(1) after the word “includes” the brackets and figure “(1)” shall be inserted ;

(2) after the words ‘such provision’ the following shall be inserted, namely :—

“and

(2) the acquisition of land for purposes of the development of areas from public revenues or some fund controlled or mortgaged by a local authority and subsequent disposal thereof in whole or in part by lease, assignment or sale, with the object of securing further development ;”.

3. *Amendment of section 11 of Act I of 1894.*—To section 11 of the said Act, the following proviso shall be added, namely :—

“Provided that no such award shall be made by the Collector without the previous approval of the State Government or such officer as the State Government may appoint in this behalf.”

4. *Amendment of section 12 of Act I of 1894.*—In section 12 of the said Act,—

(1) in sub-section (1), after the words “and shall,” the words, figures and letter “subject to the provisions of section 15A and” shall be inserted ;

(2) in sub-section (2), after the word “award”, where it occurs for the first time, the words, figures and letter “or the amendment thereof made under section 12A” shall be inserted ; and after the word “award”, where it occurs for the second time, the words “or amendment” shall be inserted.

5. *Insertion of new section 12A in Act I of 1894.*—After section 12 of the said Act, the following section shall be inserted, namely :—

“12A. *Amendment of award.*—(1) Any clerical or arithmetical mistake in an award or errors arising therein from accidental slips or omission may, at any time not later than six months from the date of the award, be corrected by the Collector either on his own motion or on the application of a person interested and the awards so corrected shall be deemed to have been amended accordingly.

(2) If the award so amended discloses any overpayment, the Collector shall, either immediately after the amendment of the award or after the expiry of the time allowed to make a reference to the Court from the amendment of the award, issue a notice to a person to whom overpayment was made that if the amount overpaid is not paid back to the State Government within one month after receipt of the notice, the amount overpaid shall be recovered as an arrear of land revenue and after the expiry of the time stated in the notice the amount shall be so recoverable.”

6. *Insertion of new section 15A in Act I of 1894.*—After section 15 of the said Act, the following section shall be inserted, namely :—

“15A. *Power of State Government to call for proceedings and pass orders thereon.*—The State Government may, at any time before an award is made by the Collector under section 11, call for and examine the record

of any order passed by the Collector or of any inquiry or proceedings of the Collector, for the purpose of satisfying itself as to the legality or propriety of any order passed and as to the regularity of such proceedings. If, in any case, it shall appear to the State Government that any order or proceedings so called for should be modified, annulled or reversed, it may pass such order thereon as it deems fit."

7. *Amendment of section 17 of Act I of 1894.*—In section 17 of the said Act, in sub-section (2), after the words "access to any such station", the following words shall be inserted, namely :—

"or whenever owing to a like emergency or owing to breaches or other unforeseen events causing damage to roads, rivers, channels or tanks, it becomes necessary for the State Government to acquire the immediate possession of any land for the purpose of maintaining road communication or irrigation or water supply service, as the case may be,"

8. *Amendment of section 18 of Act I of 1894.*—In section 18 of the said Act, after the word "award", where it occurs for the first time, the words "or the amendment thereof" shall be inserted; and after the said word, wherever it occurs thereafter, the words "or the amendment" shall be inserted.

9. *Amendment of section 27 of Act I of 1894.*—In section 27 of the said Act, in sub-section (2), after the words "award of the Collector", the words "or the amendment thereof" shall be inserted.

10. *Amendment of section 35 of Act I of 1894.*—In section 35 of the said Act,—

(1) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1A) Before issuing a direction under sub-section (1) the State Government may require the Collector to submit—

(a) a plan of the land which is needed for occupation and use; and

(b) an estimate of the compensation that would be payable under sub-section (2);

and upon the issue of such a requisition the Collector shall cause public notice of the substance of the requisition to be given at convenient places in the locality in which the land is situated.

(1B) After the issue of such notice, it shall be lawful for any officer either generally or specially authorised by the Collector in this behalf, and for his servants and workmen to exercise the powers conferred by sub-section (2) of section 4.

(1C) The officer authorised under sub-section (1B) shall at the time of his entry pay or tender payment for all necessary damage to be done as aforesaid, and, in the case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector and such decision shall be final;";

(2) in sub-section (2), for the words "The Collector shall thereupon" the words "Upon the issue of a direction under sub-section (1) the Collector shall" shall be substituted.

11. *Amendment of section 46 of Act I of 1894.*—In section 46 of the said Act, for the words and figure "or section 8" the words and figures "section 8 or section 35" and for the words, figures and letter "section 3A or section 4" the words, figures and letter "section 3A, section 4 or section 35" shall be substituted.

The Bombay Agricultural Produce Markets (Amendment) Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 1st June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th June 1953.

Bombay Act No. XXXVI of 1953.

An Act to amend the Bombay Agricultural Produce Markets Act, 1939.

WHEREAS it is expedient to amend the Bombay Agricultural Produce Markets Act, 1939 (Bom. XXII of 1939), for the purposes hereinafter appearing ; It hereby enacted as follows :—

1. *Short title.*— This Act may be called the Bombay Agricultural Produce Markets (Amendment) Act, 1953.

2. *Amendment of section 3 of Bom. XXII of 1939.*—In section 3 of the Bombay Agricultural Produce Markets Act, 1939 (Bom. XXII of 1939) (hereinafter referred to as 'the said Act'), in sub-section (1), the following proviso shall be added at the end, namely :—

"Provided that no area within the limits of a municipality shall be included in the area specified in such notification except after consultation with the municipality concerned."

3. *Amendment of section 4 of Bom. XXII of 1939.*—In section 4 of the said Act, for sub-section (2) the following shall be substituted, namely :—

"(2) On and after the date on which any area is declared to be a market area under sub-section (1), no place in the said area shall, subject to the provisions of section 5A, be used for the purchase or sale of any agricultural produce specified in the notification issued thereunder :

Provided that pending the establishment of a market in such area under section 5, the State Government may grant a licence to any person to use any place in the said area for the purchase or sale of any such agricultural produce.

(2A) Nothing in sub-section (2) shall apply to the purchase or sale of such agricultural produce, if the producer of such produce is himself its seller and the purchaser is a person who purchases such produce for his own private use or if such agricultural produce is sold to such person by way of a retail sale.

(2B) On and after the date on which any area is declared to be a market area under sub-section (1), no municipality or any other local authority, notwithstanding anything contained in any enactment relating to such municipality or authority, shall be competent to establish, authorise or allow to be established any place in the said area for the purchase or sale of any agricultural produce specified in the notification issued under sub-section (1)."

4. *Insertion of new section 5A in Bom. XXII of 1939.*—After section 5 of the said Act, the following section shall be inserted, namely :—

"5A. *Issue of licences to operate in market.*—Where a market is established under section 5, the market committee may issue licences in accordance with the rules to traders, commission agents, brokers, weighmen, measurers, surveyors, warehousemen and other persons to operate in the market :

Provided that no such licence shall be necessary in the case of a person to whom a licence has been granted under sub-section (2) of section 4."

5. *Amendment of section 6 of Bom. XXII of 1939.*—In section 6 of the said Act, for sub-section (1) the following shall be substituted, namely :—

"(1) Every market committee shall be constituted as prescribed and shall consist of not less than fifteen members. Of these—

(i) seven shall be persons elected by such organizations of agriculturists in the area for which it is established, as the State Government may prescribe and where no such organisations exist, by the agriculturists residing in the said area in the manner prescribed ;

(ii) four shall be persons elected by the traders approved by the market committee in the prescribed manner :

Provided that one seat out of the members to be elected under this clause shall be reserved for such class of co-operative societies as the State Government may prescribe ;

(iii) one shall be a person elected—

(a) by the councillors of a municipality from among themselves, in case the market area is wholly within the limits of such municipality, or

(b) by the members of a district local board from among themselves, in case the market area is wholly within the limits of the said district local board but not of a village panchayat, or

(c) by the members of a village panchayat from among themselves, in case the market area is wholly within the limits of the said village panchayat :

Provided that a person to whom a licence has been granted under sub-section (2) of section 4 shall not be eligible for election under this clause :

Provided further that if the market area is within the limits of more than one local authority, each local authority within whose jurisdiction any market yard is wholly situated shall be entitled to elect a member of the market committee from the councillors or members, as the case may be, of such local authority ;

(iv) three shall be persons nominated by the State Government :

Provided that the State Government may, at any time, reduce the number of nominated members for any market area and in their place increase the number of members to be elected under clause (i) or (ii), as it thinks fit."

6. *Amendment of section 16 of Bom. XXII of 1939.*—For section 16 of the said Act, the following shall be substituted, namely :—

"16. *Acquisition of land for purposes of this Act.*—(1) If, at any time after a notification is issued under sub-section (1) of section 4, the State Government is of opinion that any land is needed for the purposes of this Act, the State Government may proceed to acquire it under the provisions of the Land Acquisition Act, 1894 (I of 1894), or any other law for the time being in force.

(2) When such land vests in the State Government it shall be transferred by the State Government to the market committee, on payment by the market committee of the compensation awarded under the Land Acquisition Act, 1894 (I of 1894), or any other law for the time being in force and of all other charges incurred by the State Government on account of the acquisition, within such period and in such manner as the State Government may, by general or special order, determine and on such transfer the land shall vest in the market committee."

7. *Amendment of section 27 of Bom. XXII of 1939.*—In section 27 of the said Act, in sub-section (2), for the letters and figures "Rs. 50" the letters and figures "Rs. 100" shall be substituted.

8. *Amendment of section 30 of Bom. XXII of 1939.*—In section 30 of the said Act, at the end, after the word "in such area" the words, figure and letter "or the rights of a holder of a licence granted under section 5A" shall be inserted.

9. *Amendments made by section 5 not to apply during the period of office of existing members.*—The amendments made in the said Act by section 5 of this Act shall not apply during the period for which any member of a market committee holds office on the date of the commencement of this Act and any casual vacancy in respect of any such member in the said committee occurring during the said period shall be filled up as if this Act was not passed.

The Bombay Finance (Amendment) Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 2nd June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 9th June 1953.

Bombay Act No. XXXVII of 1953.

An Act to amend the Bombay Finance Act, 1932.

WHEREAS it is expedient to amend the Bombay Finance Act, 1932 (Bom. II of 1932), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Finance (Amendment) Act, 1953.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of section 6 of Bom. II of 1932.*—In section 6 of the Bombay Finance Act, 1932 (Bom. II of 1932) (hereinafter called the said Act), for sub-section (3), the following shall be substituted, namely :—

“(3) The licensee shall be entitled to a rebate of such amount as may from time to time be determined by the State Government, regard being had to the cost of collection of the duty incurred by such licensee.”

3. *Amendment of section 15 of Bom. II of 1932.*—In section 15 of the said Act,—

(1) in clause (A1), for the declaration below the proviso to clause (b) the following shall be substituted, namely :—

“I/We hereby solemnly declare that the above list contains a complete and true statement of my/our transactions, and that it includes all the transactions required to be submitted to the clearing house in accordance with the rules/by-laws of the association. I/We further declare that no transaction for which an exemption is claimed under Article 5 or Article 43 in Schedule I to the Indian Stamp Act, 1899 (II of 1899), in its application to the State of Bombay, as the case may be, is omitted.

Explanation.—Transaction for the purpose of this clause shall include both sale and purchase.”;

(2) in clause (5),—

(a) in sub-clause (c),—

(A) in Article 5 relating to “Agreement or Memorandum of Agreement”—

(i) for entry (b), the following shall be substituted, namely :—

(b) if relating to the purchase or sale of shares, scrips, stocks, bonds, debentures, debenture stocks or any other marketable security of a like nature in or of any incorporated company or other body corporate—

(i) when such agreement or memorandum of an agreement is with or through a member or between

One and half annas for every Rs. 2,500 or part thereof of the value of the security at the time of its pur-

members of a Stock Exchange recognised under Bombay Securities Contracts Control Act, 1925 (Bom. VIII of 1925) ;

(ii) in other cases ;

Three annas for every Rs. 2,500 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.” ;

(ii) in entry (be), for the words “artificial silk yarn, edible oils” wherever they occur the words “yarn of any kind, non-mineral oils” shall be substituted ;

(iii) in entry (d) of the Exemptions, for the words “artificial silk yarn or edible oils” the words “yarn of any kind, non-mineral oils” shall be substituted ;

(B) in Article 43 relating to “Note or Memorandum sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal”, for the words “artificial silk yarn or edible oils” wherever they occur, the words “yarn of any kind, non-mineral oils” shall be substituted ;

(b) in clause (dd),—

(i) for Article 20A the following shall be substituted, namely :—

“20-A. (1) Clearance list relating to the transactions for the purchase or sale of Government securities submitted to the clearing house of a stock exchange.

The sum of duties payable under Article 5 (aa) or 43, as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

(2) Clearance list relating to the transactions for the purchase or sale of a share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of an incorporated company or other body corporate submitted to the clearing house of a stock exchange recognised under the Bombay Securities Contracts Control Act, 1925 (Bom. VIII of 1925).

The sum of duties payable under Article 5(b)(i) or 43, as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

(3) Clearance list relating to the transactions for the purchase or sale of a share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of an incorporated company or body corporate submitted to the clearing house of a stock exchange not recognised under the Bombay Securities Contracts Control Act, 1925 (Bom. VIII of 1925).

The sum of duties payable under Article 5(b)(ii) or 43, as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.” ;

(ii) in Article 20E, for the words “artificial silk yarn or edible oils” the words “yarn of any kind, non-mineral oils” shall be substituted.

4. *Amendment of section 16 of Bom. II of 1932.*—In section 16 of the said Act, for the words “the cities of Bombay” the words “Greater Bombay and the cities of” shall be substituted.

5. *Amendment of section 17 of Bom. II of 1932.*—In section 17 of the said Act,—

(1) in clause (a), for the words “municipal borough” the words “Municipal Corporation” shall be substituted ;

(2) in clause (b), for the words “the municipal district of Poona, the Suburban municipal district of Poona” the words “the limits of the Municipal Corporation of Poona” shall be substituted ;

6. *Amendment of section 18 of Bom. II of 1932.*—In section 18 of the said Act,—

(1) in clause (a), for the words “City of Bombay” the words “Greater Bombay” shall be substituted ;

(2) in entry 23, in the heading to column 1, for the words “The City of Bombay” the words “Greater Bombay” shall be substituted.

7. *Amendment of section 20 of Bom. II of 1932.*—In section 20 of the said Act,—

(1) for clauses (i) to (iii), the following shall be substituted, namely:—

“(i) Greater Bombay ;

(ii) the Cities of Ahmedabad and Poona ;

(iii) the limits of the municipal borough of Thana ;” ;

(2) in clause (iv), the words “and the limits formerly included in notified area of Chembur,” shall be deleted.

8. *Amendment of section 21 of Bom. II of 1932.*—In section 21 of the said Act,—

(1) in clause (1), for sub-clause (a), the following shall be substituted, namely :—

“(a) in Greater Bombay and in the City of Ahmedabad and the City of Poona, the rateable value of buildings or lands as determined in accordance with the provisions of the Bombay Municipal Corporation Act (Bom. III of 1888), or the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), as the case may be ;” ;

(2) in clause (2), after the words “Bombay Municipal Corporation Act (Bom. III of 1888),” the words and figures “the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949),” shall be substituted ;

(3) after clause (2), the following clause shall be inserted, namely :—

“(2A) ‘City of Ahmedabad’ and ‘City of Poona’ respectively means the City of Ahmedabad and the City of Poona as constituted under the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) ;” ;

(4) in clause (7), for the words and figures beginning with the words “the City of Bombay” and ending with the words “Municipal Corporation Act” the following shall be substituted, namely :—

“Greater Bombay and in the City of Ahmedabad and the City of Poona, the general tax levied under section 143 of the Bombay Municipal Corporation Act (Bom. III of 1888) or under section 132 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), as the case may be.”.

9. *Amendment of section 22 of Bom. II of 1932.*—In section 22 of the said Act, for clause (1) of the proviso, the following shall be substituted, namely :—

“(1) such tax shall be levied and paid to the State Government at such rate not exceeding three and half per cent. of the annual letting value of the buildings or lands not exceeding such amount and in such area or areas as may be specified by the State Government by notification in the *Official Gazette*.”.

10. *Amendment section 27 of Bom. II of 1932.*—In section 27 of the said Act,—

(1) after sub-section (1) the following sub-section shall be inserted, namely :—

“(1AA) when any building or land assessed to Urban Immovable Property tax is situated in the City of Ahmedabad or City of Poona—

(a) if a drawback of the property tax is sanctioned in respect of such building or land ;

(b) if a refund of the property tax is sanctioned in respect of such building or land or any portion thereof ;

(c) if such building or any portion thereof is demolished or removed, otherwise than by order of the Municipal Commissioner and notice in respect of such demolition or removal has been given to the Municipal Commissioner,

under the provisions of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the Municipal Corporation concerned shall remit or refund such portion of the Urban Immovable Property Tax, in such manner and subject to such conditions as may be prescribed.”

(2) in sub-section (1A), after the words “Greater Bombay,” the words “City of Ahmedabad and City of Poona” shall be inserted.

11. *Amendment of section 28A of Bom. II of 1932.*—In section 28A of the said Act, in sub-section (2), for the words, figures and brackets “municipal area specified in clause (iii) of the said section 20”, the words and figures “municipal district constituted under the Bombay District Municipal Act, 1901 (Bom. III of 1901),” shall be substituted.

The Bombay Land Tenures Abolition (Amendment) Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 3rd June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 9th June 1953.

Bombay Act No. XXXVIII of 1953

An Act to amend certain Bombay Land Tenures Abolition Acts.

WHEREAS it is expedient to amend certain Acts providing for the abolition of land tenures in the State of Bombay for the purposes herein-after appearing ; It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Bombay Land Tenures Abolition (Amendment) Act, 1953.

(2) It extends to the whole of the State of Bombay excluding the merged territories.

2. *Amount of compensation to be payable in transferable bonds.*—(1) The amount of compensation payable under the provisions specified in column 2 of the First Schedule hereto annexed of the Acts specified in column 1 thereof, shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

(2) Where compensation has been paid in non-transferable bonds under the provisions of section 7 of the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950), at any time before the date of the coming into force of this Act, the holder thereof shall be entitled to have such bonds converted into transferable bonds repayable

and carrying interest as provided in sub-section (1) within such period and in such manner as may be prescribed by rules made under this Act.

3. *Amendments to Acts specified in Second Schedule.*—The Acts specified in column 1 of the Second Schedule hereto annexed shall be amended in the manner and to the extent set forth in column 2 of that Schedule.

4. *Rules.*—The State Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.

FIRST SCHEDULE.

(See section 2.)

Acts. 1	Provisions. 2
1. The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of 1949).	Section 5,
2. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	Sections 7 and 14.
3. The Bombay Khoti Abolition Act, 1949 (Bom. VI of 1950).	Section 12.
4. The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950).	Sections 6, 7 and 9 as amended by this Act.
5. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).	Section 4.
6. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).	Section 7.

SECOND SCHEDULE.

(See section 3.)

Acts. 1	Amendments. 2
The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of 1949).	In sub-section (1) of section 2, after clause (c) the following clause shall be inserted, namely :— “(d) ‘Collector’ includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act.”
The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	In section 2, after clause (1) the following clause shall be inserted, namely :— “(1-A) ‘Collector’ includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;”
The Bombay Khoti Abolition Act, 1949 (Bom. VI of 1950).	In section 2, in sub section (1),— (a) after clause (i) the following clause shall be inserted, namely :— “(ia) ‘Collector’ includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;” (b) in clause (vii) (b) (i), the word “khasgi” shall be deleted.
The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950	(1) In sub-section (1) of section 2, after clause (b), the following clause shall be inserted, namely :—

Acts.
1
(Bom. LX of 1950).

Amendment.

2

"(bb) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;";

(2) in section 4,—

(i) in sub-section (1), for the words "two years", at both the places where they occur, the words "three years" shall be substituted ;

(ii) in sub-section (3), for the word, brackets and figure "sub-section (2)" the words, figures and brackets "sub-sections (1) and (2)" shall be substituted ;

(3) in section 3,—

(i) in clause (2), for the portion beginning with the words "a sum equal to the amount of such land revenue" and ending with the words "until the expiry of the said period of ten years", the following shall be substituted, namely :—

"a sum equal to ten times the amount of such land revenue shall be paid to the holder and if the holder dies before the payment of such sum, to his heir or heirs, after deducting therefrom the amount of cash allowance, if any, paid to such holder or heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953 (Bom. XXXVIII of 1953)", came into force ;

(ii) in the marginal note, for the words "continuation of cash allowance" the words "compensation in lieu of cash allowance or land revenue" shall be substituted.

(4) for section 7 the following shall be substituted, namely :—

"7. *Compensation to the representative watan-dar.*—In the case of a person who has been registered as a representative watan-dar immediately before the appointed day and who in consequence of the coming into force of this Act ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant, a sum equal to seven times the total amount of the emoluments payable annually in cash to the representative watan-dar performing such service in the year immediately preceding the year in which this Act comes into force shall be paid to such representative watan-dar as compensation and if such watan-

Acts.

1

The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).

The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).

Amendments.

2

dar dies before the payment of the sum to him, his heir or heirs shall be paid such sum, after deducting therefrom the amount of compensation, if any, received by the representative watandar or his heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953 (Bom. XXXVIII of 1953), came into force.

Explanation.—For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.” ;

(5) In sub-section (2) of section 9, for the words, letters and figures “on or before the 31st day of March 1952” the following shall be substituted and be deemed always to have been substituted, namely :—

“on or before the 30th day of April 1954.”

In section 2, after clause (b) the following clause shall be inserted, namely:—

“(c) “Collector” includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act.”

In sub-section (1) of section 2, after clause (a) the following clause shall be inserted, namely :—

“(aa) ‘Collector’ includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;”

The Coroners (Bombay Amendment) Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 11th June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 17th June 1953.

Bombay Act No. XXXIX of 1953

An Act to amend the Coroners Act, 1871, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Coroners Act, 1871 (IV of 1871), in its application to the State of Bombay, for the purposes herein-after appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Coroners (Bombay Amendment) Act, 1953.

2. *Amendment of section 9 of Act IV of 1871.*—In section 9 of the Coroners Act, 1871 (IV of 1871), hereinafter referred to as the said Act, in sub-section (1), after clause (d), the following new clause shall be inserted, namely :—

“(dd) that the death occurred—

(i) in a leper asylum appointed under the Lepers Act, 1898 (III of 1898) ;

(ii) in an asylum or mental hospital established or licensed under the Indian Lunacy Act, 1912 (IV of 1912) ;

(iii) in a Borstal school established under the Bombay Borstal Schools Act, 1929 (Bom. XVIII of 1929) ;

(iv) in a Receiving Centre or Certified Institution provided and maintained under the Bombay Beggars Act, 1945 (Bom. XXIII of 1945) ;

(v) in any certified school, Remand Home or fit person institution or approved place, established, maintained, declared or recognised, as the case may be, under the Bombay Children Act, 1948 (Bom. LXXI of 1948). ;

in which the deceased was received, detained, committed to, confined or kept, as the case may be, under the orders of any authority competent to pass such orders under the said Acts ; or”.

3. *Amendment of section 10 of Act IV of 1871.*—For section 10 of the said Act, the following shall be substituted, namely :—

“10. *Report of death to Coroner.*—(1) When a person dies—

(a) in a prison situate within the local limits of the Coroner’s jurisdiction, the Superintendent of the prison,

(b) whilst in the custody of the police, the police officer in charge of the section concerned,

(c) in any of the places referred to in clause (dd) of sub-section (1) of section 9, the Superintendent where there is a Superintendent appointed for such place and elsewhere, the person in charge of the place.

shall report the death to the Coroner and await his orders before the body is disposed of.

(2) Any Superintendent of prison, or any such police officer or any Superintendent or person in charge of the place referred to in clause (dd) of sub-section (1) of section 9, who fails to comply with the requirements in sub-section (1) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.”

The Bombay Labour Welfare Fund Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 12th June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 17th June 1953,

Bombay Act No. XL of 1953

An Act to provide for the constitution of a Fund for the financing of activities to promote welfare of labour in the State of Bombay and for conducting such activities.

WHEREAS it is expedient to constitute a Fund for the financing of activities to promote welfare of labour in the State of Bombay and for conducting such activities ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Labour Welfare Fund Act, 1953.

(2) It extends to the State of Bombay.

(3) It shall come into force in such area and on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(1) “Board” means the Bombay Labour Welfare Board constituted under section 4 ;

(2) “Employee” means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in an establishment ;

(3) "Employer" means any person who employs either directly or through another person either, on behalf of himself or any other person, one or more employees in an establishment and includes—

(a) in a factory, any person named under section 7(i) (f) of the Factories Act, 1948 (LXIII of 1948), as the manager ;

(ii) in any establishment, any person responsible to the owner for the supervision and control of the employees or for the payment of wages ;

(4) "Establishment" means—

(i) a factory ;

(ii) a tramway or motor omnibus service ; and

(iii) any establishment including a society registered under the Societies Registration Act, 1860 (XXI of 1860), and a charitable or other trust, whether registered under the Bombay Public Trusts Act, 1951 (Bom. XXIX of 1950), or not, which carries on any business or trade or any work in connection with or ancillary thereto and which employs or on any working day during the preceding twelve months employed more than fifty persons,

but does not include an establishment of the Central or any State Government ;

(5) "Factory" means a factory as defined in section 2(m) of the Factories Act, 1948 (LXIII of 1948);

(6) "Fund" means the Bombay Labour Welfare Fund constituted under section 3 ;

(7) "Independent member" means a member of the Board who is not connected with the management of any establishment or who is not an employee, and includes an officer of Government nominated as a member ;

(8) "Inspector" means an Inspector appointed under section 12 ;

(9) "Prescribed" means prescribed by rules made under this Act ;

(10) "Unpaid accumulations" means all payments due to the employees but not made to them within a period of three years from the date on which they became due whether before or after the commencement of this Act including the wages, and gratuity legally payable ;

(11) "Wages" means all remuneration capable of being expressed in terms of money which would, if the terms of the contract of employment, express or implied were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include :—

(a) the value of—

(i) any house accommodation, supply of light, water, medical attendance ; or

(ii) any other amenity or any service excluded by general or special order of the State Government ;

(b) any contribution paid by the employer to any pension fund or provident fund or under any scheme of social insurance ;

(c) any travelling allowance or the value of any travelling concession ;

(d) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment ; or

(e) any gratuity payable on discharge ;

(12) "Welfare Commissioner" means the Welfare Commissioner appointed under section 11.

3. *Welfare Fund.*—(1) There shall be constituted a fund called the Bombay Labour Welfare Fund and, notwithstanding anything contained in any other law for the time being in force, the sums specified in sub-section (2) shall be paid into the Fund.

- (2) The Fund shall consist of—
- (a) all fines realised from the employees ;
 - (b) all unpaid accumulations ;
 - (c) any voluntary donations ;
 - (d) any fund transferred under sub-section (5) of section 7 ; and
 - (e) any sum borrowed under section 8.
- (3) The sums specified in sub-section (2) shall be collected by such agencies and in such manner and the accounts of the Fund shall be maintained and audited in such manner as may be prescribed.

4. *Board*.—(1) The State Government shall, by notification in the *Official Gazette*, constitute the Board for the purpose of administering the Fund and to carry on such other functions assigned to the Board by or under this Act. The Board shall consist of the following members, namely :—

(a) such number as may be prescribed of representatives of employers and employees to be nominated by the State Government :

Provided that both employers and employees shall have equal representation on the Board ;

(b) such number of independent members as may be prescribed, nominated by the State Government ; and

(c) such number of independent members as may be prescribed, nominated by the State Government to represent women.

(2) The members of the Board shall elect one of its independent members as the Chairman of the Board.

(3) Save as otherwise expressly provided by this Act, the term of office of the members of the Board shall be three years commencing on the date on which their names are notified in the *Official Gazette*.

(4) The allowances, if any, payable to the members of the Board and the conditions of appointment of the representatives of the employers and employees shall be such as may be prescribed.

(5) The Board shall be a body corporate by the name of the Bombay Labour Welfare Board, having perpetual succession and a common seal, with power to acquire property both moveable and immovable, and shall by the said name sue and be sued.

5. *Disqualifications and removal*.—(1) No person shall be chosen as, or continue to be a member of, the Board who—

(a) is a salaried official of the Board ; or

(b) is or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors ; or

(c) is found to be a lunatic or becomes of unsound mind ; or

(d) is or has been convicted of any offence involving moral turpitude.

(2) The State Government may remove from office any member who—

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1) ; or

(b) is absent without leave of the Board for more than three consecutive meetings of the Board.

6. *Resignation of office by member and filling up of casual vacancies*.—

(1) A member may resign his office by giving notice thereof in writing to the State Government, and on such resignation being accepted, shall be deemed to have vacated his office.

(2) A casual vacancy in the office of a member shall be filled up, as soon as conveniently may be, by the authority concerned and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

(3) No act or proceedings of the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in constitution of the Board.

7. *Vesting and application of Fund.*—(1) The Fund shall vest in and be held and applied by the Board as Trustees subject to the provisions and for the purposes of this Act. The moneys therein shall be utilized by the Board to defray the cost of carrying out measures which may be specified by the State Government from time to time to promote the welfare of labour and of their dependents.

(2) Without prejudice to the generality of sub-section (1) the moneys in the Fund may be utilized by the Board to defray expenditure on the following:—

(a) community and social education centres including reading rooms and libraries ;

(b) community necessities ;

(c) games and sports ;

(d) excursions, tours and holiday homes ;

(e) entertainment and other forms of recreations ;

(f) home industries and subsidiary occupations for women and unemployed persons ;

(g) corporate activities of a social nature ;

(h) cost of administering the Act including the salaries and allowances of the staff appointed for the purposes of the Act ; and

(i) such other objects as would in the opinion of the State Government improve the standard of living and ameliorate the social conditions of labour :

Provided that the Fund shall not be utilized in financing any measure which the employer is required under any law for the time being in force to carry out ;

Provided further that unpaid accumulations and fines shall be paid to the Board and be expended by it under this Act notwithstanding anything contained in the Payment of Wages Act, 1936 (IV of 1936), or any other law for the time being in force.

(3) The Board may, with the approval of the State Government, make a grant of the Fund to any employer, any local authority or any other body in aid of any activity for the welfare of labour approved by the State Government.

(4) If any question arises whether any particular expenditure is or is not debitable to the Fund, the matter shall be referred to the State Government and the decision given by the State Government shall be final.

(5) It shall be lawful for the Board to continue any activity financed from the labour welfare fund of any establishment, if the said fund is duly transferred to the Board.

8. *Power of Board to borrow.*—The Board may from time to time with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be specified in this behalf borrow any sum required for the purpose of this Act.

9. *Investment of Fund.*—Where the Fund or any portion thereof cannot be applied at any early date for fulfilling the objects of the Act, the Board shall invest the same in any of the securities specified in clauses (a) to (d) and (f) of section 20 of the Indian Trusts Act, 1882 (II of 1882).

10. *Directions by State Government to Board.*—The State Government may give the Board such directions as in its opinion are necessary or

expedient in connection with expenditure from the Fund or for carrying out the other purposes of the Act. It shall be the duty of the Board to comply with such directions.

11. Appointment and powers of Welfare Commissioner.—(1) (i) The Welfare Commissioner shall be appointed by the Board with the previous approval of the State Government ;

(ii) the Welfare Commissioner shall be the principal executive officer of the Board ;

(iii) it shall be the duty of the Welfare Commissioner to ensure that the provisions of this Act and the rules made thereunder are duly carried out and for this purpose he shall have the power to issue such orders not inconsistent with the provisions of the Act and rules made thereunder as he deems fit including any order implementing the decisions taken by the Board under the Act or rules made thereunder.

(2) Notwithstanding anything contained in sub-section (1) the first Welfare Commissioner shall be appointed by the State Government as soon as practicable after the passing of this Act for a period not exceeding five years and on such conditions as the State Government thinks fit.

12. Appointment of Inspectors.—(1) The State Government may appoint Inspectors to inspect records in connection with the sums payable into the Fund.

(2) Any Inspector may—

(a) with such assistance, if any, as he thinks fit, enter at any reasonable time any premises for carrying out the purposes of this Act ;

(b) exercise such other powers as may be prescribed.

13. Absorption of the existing staff under Commissioner of Labour.—

(1) The Board shall take over and employ such of the existing staff under the control of the Commissioner of Labour, Bombay, as the State Government may direct and every person so taken over and employed shall be subject to the provisions of this Act and the rules made thereunder :

Provided that—

(a) during the period of such employment all matters relating to pay, leave retirement, allowances, pensions, provident fund and other conditions of service of the said staff shall be regulated by the Bombay Civil Services Rules or such other rules as may from time to time be made by the State Government ;

(b) every such member shall have a right of appeal to the State Government against any order of reduction, dismissal or removal from service, fine or any other punishment :

Provided further that person so taken over may elect within the prescribed period that he desires to be governed by the rules made under this Act in respect of conditions of service of the staff appointed by the Board under this Act and on his electing to do so the provisions of the first proviso shall cease to apply to him.

14. Appointment of clerical and other staff by Board.—The Board shall have power to appoint the necessary clerical and executive staff to carry out and supervise the activities financed from the Fund :

Provided that the expenses of the staff thus appointed and other administrative expenses shall not exceed a prescribed percentage of the annual income of the Fund.

15. Power of State Government to remove any person on staff of Board.—The State Government shall have the power to remove any person whom it may deem unsuitable, from the service of the Board and to make an appointment in respect of whom more than one-third of the members of the Board have not agreed.

16. Power of State Government or authorised officer to call for records, etc.—The State Government or any officer authorised by the State Government may call for the records of the Board, inspect the same and may supervise the working of the Board.

17. Mode of recovery of sums payable into Fund, etc.—Any sum payable into the Fund under this Act shall, without prejudice to any other mode of recovery, be recoverable on behalf of the Board as an arrear of land revenue.

18. Supersession of Board.—(1) If the State Government is satisfied that the Board has made default in performing any duties imposed on it by or under this Act or has abused its power, the State Government may by notification in the *Official Gazette* supersede and re-constitute the Board in the prescribed manner ;

Provided that before issuing the notification under this sub-section, the State Government will give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) After the supersession of the Board and until it is reconstituted the powers, duties and functions of the Board under this Act shall be exercised or performed by the Board or by such officer or officers, as the State Government may appoint for this purpose.

19. Rules—(1) The State Government may by notification in the *Official Gazette* and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(a) the agency for and the manner of collection of sums specified in sub-section (3) of section 3 ; and the period within which the same shall be paid to the credit of the Fund ;

(b) the manner in which the accounts of the Fund shall be maintained and audited under sub-section (3) of section 3 ;

(c) the procedure for making grants from the Fund under section 7 ;

(d) the procedure for defraying the expenditure incurred in administering the Fund ;

(e) the number of representatives of employers and employees, independent members and representatives of women on the Board, and the allowances, if any, payable to them, under section 4 ;

(f) the manner in which the Board shall conduct their business ;

(g) the duties and powers of the Inspectors and the conditions of service of the Welfare Commissioner and Inspectors and other staff appointed under this Act ;

(h) the percentage of the annual income of the Fund beyond which the Board may not spend on the staff and on other administrative measures ;

(i) the registers and records to be maintained under the Act ;

(j) the publication of the report of the activities financed from the Fund together with a statement of receipts and expenditures of the Fund and statement of accounts ;

(k) any other matter which under this Act is or may be prescribed.

20. Members of Board, Welfare Commissioner, Inspectors and all officers and servants of Board to be public servants.—The members of the Board, the Welfare Commissioner, Inspectors and all officers and servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

21. *Protection to persons acting in good faith.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

22. *Exemption.*—The State Government may by notification in the *Official Gazette* exempt any class of establishment from all or any of the provisions of this Act subject to such conditions as may be specified in the notification.

23. *Amendment of section 8 of Act IV of 1936.*—In section 8 of the Payment of Wages Act, 1936 (IV of 1936), to sub-section (3) the following shall be added, before the Explanation, namely :—

“but in the case of any factory or establishment to which the Bombay Labour Welfare Fund Act, 1953 (Bom. XL of 1953), applies all such realisations shall be paid into the Fund constituted under the said Act.”

The Bombay Sales Tax Act, 1952 (Suspension) Act, 1953.

The following Act of the Bombay Legislature received the assent of the Governor on the 14th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 18th May 1953.

Bombay Act No. XXX of 1953.

An Act to suspend the operation of the Bombay Sales Tax Act, 1952, for a period up to the 31st day of March 1954.

WHEREAS by its judgment delivered on the 11th December 1952 in Miscellaneous Application No. 289 of 1952 the Bombay High Court declared the Bombay Sales Tax Act, 1952 (Bom. XXIV of 1952), *ultra vires* ;

AND WHEREAS an appeal was filed to the Supreme Court against the said decision of the Bombay High Court by the Government of Bombay ;

AND WHEREAS the Legislature of the State was not then in session and it was necessary to promulgate an Ordinance called the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952), to provide for the levy of the tax on the sale or purchase of goods ;

AND WHEREAS an Act called the Bombay Sales Tax Act, 1953 (Bom. III of 1953), was passed to replace the said Ordinance, which is to continue in force up to the 31st day of March 1954 ;

AND WHEREAS after the passing of the said Act the Supreme Court by its judgment delivered on the 30th March 1953 set aside the aforesaid declaration of the Bombay High Court ;

AND WHEREAS in view of the aforesaid judgment of the Supreme Court it is necessary to suspend the operation of the said Bombay Sales Tax Act, 1952 (Bom. XXIV of 1952), for a period up to the 31st day of March, 1954 ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Sales Tax Act, 1952 (Suspension) Act, 1953.

2. *Suspension of Bom. XXIV of 1952.*—The operation of the Bombay Sales Tax Act, 1952 (Bom. XXIV of 1952) shall be deemed to have been suspended with effect from the 1st day of November 1952, and shall continue to be so suspended so long as the Bombay Sales Tax Act, 1953 (Bom. III of 1953), continues to be in force.

3. *Suspension not to affect certain provisions.*—The suspension of the said Act shall not be deemed to have affected the provisions of section 51 of the Bombay Sales Tax (No. 2) Ordinance, 1952 (Bom. Ordinance No. III of 1952), and shall not be deemed to have rendered invalid any appointments, regulations, registrations, licences, notices, notifications, orders, assessments, payments or recoveries of taxes and things, which

under the said section 51 had been deemed to have been made, issued or done under the provisions of the said Ordinance.

The Prevention of Cruelty to Animals (Bombay Amendment) Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 13th May 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 20th May 1953.

Bombay Act No XXXII of 1953

An Act to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Prevention of Cruelty to Animals Act, 1890 (XI of 1890), in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Prevention of Cruelty to Animals (Bombay Amendment) Act, 1953.

2. *Amendment of section 6A of Act XI of 1890.*—For section 6A of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890), hereinafter referred to as the said Act, the following shall be substituted, namely :—

“6A. *Interpretation.*—For the purposes of sections 3A, 4 and 6, an owner or other person in possession or control of an animal shall be deemed to have permitted an offence if he fails to prove that he has exercised reasonable care and supervision with a view to the prevention of such offence.

Explanation.—For the purpose of this section a person claiming the animal shall be deemed to be the owner or person in possession or control of the same.”

3. *Amendment of section 6B of Act XI of 1890.*—In section 6B of the said Act, in sub-section (3),—

(1) the words “, unless the Magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed,” shall be deleted ;

(2) the following proviso shall be added at the end, namely :—

“Provided that the Magistrate or the Veterinary Officer may at any time before the animal is released direct that it shall be sent to a *pinjrapole* or be destroyed.”

The Bombay Co-operative Societies (Amendment) Act, 1953.

The following Act of the Bombay Legislature received the assent of the President on the 12th June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 18th June 1953.

Bombay Act No XLI of 1953

An Act to amend the Bombay Co-operative Societies Act, 1925.

WHEREAS it is expedient to amend the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), for the purposes hereinafter appearing : It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Co-operative Societies (Amendment) Act, 1953.

2. *Amendment of section 15A of Bom. VII of 1925.*—In section 15A of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), hereinafter referred to as the said Act,—

(a) in sub-section (1),—

(i) after the words “members present” the words “and voting” shall be inserted ;

(ii) after the words “two or more societies” the words “or to convert itself into a class of society the objects of which are materially different

from that under which it has been classified under the Act," shall be inserted ;

(iii) after the words "each of the new societies" the words "or proposals containing detailed information in respect of the conversion of the society as aforesaid, as the case may be" shall be added ;

(b) in sub-section (2), after the word "division" the words "or conversion" shall be inserted ;

(c) in sub-section (3), after the words "new societies" the words "or to continue his membership in the converted society, as the case may be" shall be added ;

(d) in sub-section (5), after the word "division" at both the places where it occurs, the words "or conversion" shall be inserted ;

(e) in sub-section (6),—

(i) for the words "of the notice by other persons" the words "of the notice to other persons" shall be substituted ;

(ii) after the words "members present" the words "and voting" shall be inserted ;

(iii) for the words and figures "and section 10, register the new societies and the by-laws thereof" the words and figures "and sections 10 and 16, register the new societies or the converting society and the by-laws of the new societies or the by-laws, or the amendment of the by-laws of the converting society, as the case may be" shall be substituted ;

(f) in sub-section (9), after the words "new societies" the words "or the converting society, as the case may be" shall be added ;

(g) in sub-section (10)—

(i) after the words "new societies", where they occur for the first time, the words "or the converted society" ; and

(ii) after the words "new societies", where they occur for the second time, the words "or the converted society, as the case may be," shall be inserted ;

(h) in the marginal note, after the word "Division" the words "or conversion" shall be inserted.

3. *Insertion of section 15B in Bom. VII of 1925.*—After section 15A of the said Act, the following section shall be inserted, namely :—

"15. *Partnership of societies.*—(1) Any two or more societies may, with the approval of the Registrar, by a resolution passed by three-fourths majority of the members present and voting at a general meeting of each such society, enter into a contract of partnership for carrying out specific business or businesses, provided that each member has had clear ten days' written notice of the resolution and the date of the meeting.

(2) Nothing in the Indian Partnership Act, 1932 (IX of 1932), shall apply to such contracts of partnership."

4. *Amendment of section 54 of Bom. VII of 1925.*—In section 54 of the said Act, in the second paragraph, after the words "assets of a past member" the words "as well as claims by a member or past member or the heirs of a past member for any debts or demands due to him from the society," shall be inserted.

5. *Amendment of section 54A of Bom. VII of 1925.*—In section 54A of the said Act, to sub-section (5), the following proviso shall be added, namely :—

"Provided that the Tribunal may admit any such application after the expiry of the said period of two months, if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within the said period."

The Bombay Personal Inams Abolition Act, 1952.

Received the assent of the President on the 13th June 1953, and was published in the *Bombay Government Gazette*, Part IV, dated the 20th June 1953.

Bombay Act No. XLII of 1953

An Act to abolish personal inams in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish personal inams in the State of Bombay ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Personal Inams Abolition Act, 1952.

(2) It extends to the whole of the State of Bombay excluding* the merged territories.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify in this behalf.

2. *Definitions.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “appointed day” means the date on which this Act comes into force ;

(b) “Code” means the Bombay Land Revenue Code, 1879 (Bom. V of 1879) ;

(c) “inamdar” means a holder of a personal inam and includes any person lawfully holding under or through him ;

(d) “inam village” or “inam land” means a village or a portion of a village or land, as the case may be, held by a person under a personal inam ;

(e) “personal inam” means,—

(i) a grant of a village, portion of a village, land or total or partial exemption from the payment of land revenue entered as personal inam in the alienation register kept under section 53 of the Code,

(ii) a grant of money or land revenue including anything payable as a cash allowance on the part of the State Government in respect of any right, privilege, perquisite or office and entered as class I, II, III, IV or V in the records kept under the rules made under the Pensions Act, 1871 (XXIII of 1871).

Explanation.—If any question arises whether any grant is a personal inam, such question shall be referred to the State Government and the decision of the State Government shall be final ;

(f) “prescribed” means prescribed by rules made under this Act ;

(g) “Schedule” means a Schedule appended to this Act.

(2) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. *Act not to apply to certain inams and grants.*—Nothing in this Act shall apply to—

(1) saranjams, jahagirs and other political inams ;

(2) devastan inams or inams held by religious or charitable institutions ;

(3) inams held for service useful to Government ;

(4) inams held for service useful to the community ; and

(5) revenue free sites granted by Government for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived.

4. *Abolition of personal inams and rights in respect of such inams.*—Notwithstanding any thing contained in any usage, settlement, grant, sanad or order or a decree or order of a Court or any law for the time being in force, with effect from and on the appointed date,—

(i) all personal inams shall be deemed to have been extinguished,
 (ii) save as expressly provided by or under the provisions of this Act, all rights, legally subsisting on the said date in respect of such personal inams shall be deemed to have been extinguished :

Provided that in the case of a personal inam consisting of exemption from the payment of land revenue only, either wholly or in part, such exemption shall be deemed to have been extinguished—

(a) if the amount of such exemption is or exceeds Rs. 5,000, with effect from the 1st day of August, 1953, and

(b) in all other cases, with effect from the 1st day of August 1955.

5. *Liability of inam village or inam land to payment of land revenue and inamdar and permanent holder to be occupant.*—(1) All inam villages or inam lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

(2) (a) An inamdar in respect of the inam land in his actual possession or in possession of a person holding from him other than an inferior holder, referred to in clause (b) below, or

(b) an inferior holder holding inam land on payment of annual assessment only, shall primarily be liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

6. *Compensation for abolition of cash allowance.*—Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order but subject to the provisions of this Act, a sum equal to seven times the amount of a cash allowance referred to in section 2 (1) (e) (ii), if any, due to an inamdar as personal inam shall be paid to him as compensation in consideration of the extinguishment of his right to receive such allowance.

7. *All public roads, etc., situate in inam villages to vest in Government.*—All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are situate within the limits of any inam village or inam land shall, except in so far as any rights of any person other than the inamdar may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by an inamdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

8. *Right to trees.*—The rights to trees specially reserved under the Indian Forest Act, 1927 (XVI of 1927), or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927 (XVI of 1927), as in force in the State to forests in an inam village or inam land.

9. *Right to mines and mineral products.*—Nothing in this Act or any other law for the time being in force, shall be deemed to affect the rights of any inamdar subsisting on the appointed date to mines or mineral products in an inam village or inam land granted or recognised under any contract, grant or law for the time being in force or a decree of a Court.

10 *Compensation to inamdars for extinguishment of rights under section 7.*—(1) Any inamdar having any right or interest in any property referred to in section 7 shall be entitled to compensation in the manner provided in the following paragraphs, namely :—

(a) within a period of twelve months from the appointed date, the inamdar shall apply in writing to the Collector stating the nature of his right or interest, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his right or interest ;

(b) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any right or interest in the property and that such right or interest has been extinguished under section 7, he shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894 (I of 1894), subject to the following conditions, namely :—

(i) if the property in question is waste or uncultivated but is culturable land the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(ii) if the property in question is land over which the public has been enjoying or acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(iii) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section the “market value” shall mean the value as estimated in accordance with the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894), in so far as the said provisions may be applicable.

(2) Every award made under sub-section (1) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894 (I of 1894), and the provisions of the said Act shall, so far as may be, apply to the making of such award.

11. *Appeal against Collector's award.*—An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under

the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), notwithstanding anything contained in the said Act.

12. Procedure before Revenue Tribunal.—(1) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(2) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908 (V of 1908).

13. Limitation.—Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeal.

14. Court-fees—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

15. Finality of award and decision of Revenue Tribunal.—The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

16. Inquiries and proceedings to be judicial proceedings.—All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860.)

17. Method of compensation for abolition, etc. of other rights in property.—(1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(2) The application under sub-section (1) shall be made to the Collector in the prescribed form within twelve months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894).

(3) An appeal shall lie from the said award to the Bombay Revenue Tribunal.

(4) The provisions of sections 10 to 16 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(5) Nothing in this section shall entitle any person to compensation on the ground that any inam village or inam land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

18. Provisions of Bom. LXVII of 1948 to govern the relations of inamdar and tenants.—Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), to any inam village

or inam land or the mutual rights and obligations of an inamdar and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

19. *Rules.*—The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

20. *Modification and discontinuance of application of certain enactments.*—(1) With effect from and on the appointed date,—

(a) the provisions of the enactments specified in Schedule I shall be repealed or amended to the extent specified in column 4 of the said Schedule ; and

(b) the provisions of the enactments specified in Schedule II shall cease to apply to all inam villages or inam lands and to Inamdars.

(2) Nothing in sub-section (1) shall be deemed to affect,—

(a) any obligation or liability already incurred before the appointed date ;

(b) any proceeding in respect of such obligation or liability ; or

(c) anything done in the course of such proceeding in any Court on or before the aforesaid date and any such proceeding may be continued and disposed of as if this Act had not been passed.

THE SCHEDULES

(See section 20.)

Schedule I.

Year	No.	Short title.	Extent of repeal or amendment.
1	2	3	4
1887	VII	The Toda Giras Allowances Act, 1887	The whole Act shall be repealed.
1949	LXI	The Bombay Maleki Tenure Abolition Act, 1949	Sub-section (2) of section 3 shall be deleted.
1949	LXII	The Bombay Taluqdari Tenure Abolition Act, 1949.	Clause (a) of sub-section (2) of section 5 shall be deleted.
1949	LXIII	The Panch Mahils Mehwasal Tenure Abolition Act, 1949	Sub-section (2) of section 4 shall be deleted.

Schedule II.

Year	No	Short title.	Extent of cessation of application.
1	2	3	4
1852	XI	The Bombay Rent Free Estates Act, 1852	The whole Act shall cease to apply.
1863	II	The Exemptions from Land Revenue (No. 1) Act, 1863.	Do. do.
1863	VII	The Exemptions from Land Revenue (No. 2) Act, 1863.	Do do.
1871	XXII	The Pensions Act, 1871	Do do.

The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.

Received the assent of the President on the 13th June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 22nd June 1953.

Bombay Act No. XLIII of 1953

An Act to abolish Ankadia tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the Ankadia tenure prevailing in the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, Lunawada and Deogadh Baria, to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.

(2) It extends to the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, Lunawada and Deogadh Baria, which are included in the districts of Baroda, Kaira, Panch Mahals, Sabar Kantha, Ahmedabad, Mehsana and Amreli.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. *Definitions.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “Ankadedar” means a person holding an Ankadia village on Ankadia tenure and includes his co-sharer ;

(b) “Ankadia tenure” means the tenure on which a village is held by an Ankadedar—

(i) in the merged territories of the former State of Baroda under the Baroda Ankadia Villages Rules of 1932, and

(ii) in the merged territories of the former States of Idar, Balasinor, Malpur, Lunawada and Deogadh Baria in accordance with the terms of a lease or any other agreement ;

(c) “Ankadia villages” means the villages specified in the first and second Schedules ;

(d) “Ankado” means a lump sum payable annually to Government by an Ankadedar out of the revenues realised by him annually from an Ankadia village ;

(e) “Code” means the Bombay Land Revenue Code, 1879 (Bom. V of 1879) ;

(f) “Collector” includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(g) “Gharkhed land” means the land held by an Ankadedar as his private or personal property ;

(h) “Jiwai land” means a land held by a cadet of an Ankadedar’s family for the purpose of maintenance ;

(i) “prescribed” means prescribed by rules under this Act ;

(j) “Schedule” means a Schedule appended to this Act.

(2) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning assigned to it by the Code.

(3) References in this Act to the provisions of the Baroda Ankadia Villages Rules of 1932 and the leases and agreements governing Ankadia tenure and incidents of Ankadia tenure shall, notwithstanding the repeal of the said Rules, the cancellation of the said leases and agreements and the abolition of the said tenure by this Act, be construed as references to the said provisions, leases, agreements and incidents as they were in force immediately before this Act comes into force.

(4) If any question arises whether any land is Gharkhed or Jiwai, the State Government or any officer authorised by the State Government shall decide the question and such decision shall be final.

3. *Abolition of Ankadia tenure.*—With effect from and on the date on which this Act comes into force—

(i) the Ankadia tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished ;

(ii) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished ;

(iii) all the leases or agreements under which the Ankadia villages specified in the second Schedule were held immediately before the coming into force of this Act shall be deemed to have been cancelled ;

(iv) all the Ankadia villages are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder :

Provided that nothing in clause (iv) shall be deemed to affect,—

(a) *devasthan* inams or inams held by religious or charitable institutions ; and

(b) inams held for service useful to Government :

• Provided further that nothing in this section shall affect the payment of maintenance allowance to a widow of a deceased Ankadedar sanctioned by the State Government under the provisions of the Baroda Ankadia Villages Rules of 1932.

4. *Persons to be deemed as occupants.*—(1) (A) In an Ankadia village specified in the first Schedule—

(i) in the case of Gharkhed land held by an Ankadedar, the Ankadedar,

(ii) in the case of Jiwai land, the person holding such land,

(iii) in the case of land held by a person who immediately before the coming into force of this Act was liable to pay to the Ankadedar land revenue or rent in respect of such land as an incident of Ankadia tenure, such person, and

(B) in an Ankadia village specified in the second Schedule,

(i) in the case of Gharkhed land held by an Ankadedar, the Ankadedar, and

(ii) in the case of land held by a person whose name has been immediately before the commencement of this Act, entered in the record of rights as occupier (Kabjedar) of such land and who was liable to pay to the Ankadedar land revenue in respect of such land as an incident of Ankadia tenure, such person, shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

(2) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (1) shall be free from the liability for the payment of any amount in respect thereof to the Ankadedar as an incident of Ankadia tenure and all the rights of an Ankadedar in his capacity as an Ankadedar in such land shall be deemed to have been extinguished.

5. *Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government*—For the removal of doubt, it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in an Ankadia village and all other kinds of property referred to in section 37 of the Code situate in an Ankadia village, which are not the property of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force are together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart

the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

6. *Method of compensation for extinguishment or modification of rights of Ankadedars.*—(1) If an Ankadedar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in an Ankadia village, he may apply to the Collector for compensation.

(2) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(3) The Collector shall, after holding a formal inquiry in the manner provided by the Code, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly :

Provided that the amount of compensation shall be three times the average of the amount proved to have been realised annually by the Ankadedar as revenues of a village during the three years immediately before the date on which this Act comes into force minus the Ankado paid or payable to Government during the said period of three years.

(4) Subject to the provisions of section 9, the award of the Collector shall be final.

7. *Method of compensation for extinguishment or modification of rights of any other person.*—(1) If any person other than the Ankadedar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of six months from the date on which this Act comes into force.

(2) The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(3) Subject to the provisions of section 9, the award of the Collector shall be final.

8. *In determining compensation sections 23 and 24 of Land Acquisition Act, 1894, to be applicable.*—In determining the amount of compensation under section 6 or 7, the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894).

9. *Appeal against award.*—(1) Any person aggrieved by the award of the Collector made under section 6 or 7 may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939).

(2) In deciding an appeal under sub-section (1), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908 (V of 1908).

10. *Limitation for appeals.*—Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeal.

11. *Court fees.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeal made under this Act to the

Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

12. *Amount of compensation to be payable in transferable bonds*—The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

13. *Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenant in Ankadia villages*—Nothing in this Act shall, in any way, be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), to any of the lands comprised in any Ankadia village or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provision of this Act.

14. *Rules*—The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*.

15. *Repeal*.—The Baroda Ankadia Villages Rules of 1932 are hereby repealed :

Provided that the repeal of the said Rules and cancellation of leases and agreements as provided in section 3 shall not affect —

(a) the validity, invalidity, effect or consequence of anything already done or suffered to be done under the said Rules or the said leases and agreements before the date of the commencement of this Act ; or

(b) any obligation or liability already incurred or accrued thereunder before such date.

THE FIRST SCHEDULE

[See section 2(1) (a).]

Ankadia villages in the merged territories of the former State of Baroda.

Name of the village.	District.
(1) <i>Ek-Ankadi Thakarati Villages.</i>	
1. Rajapura	... Baroda.
2. Mote Sherdi	... Kaira.
3. Bakrol	... Panch Mahals.
4. Karmadi	... Baroda.
5. Manekpur Makakhad	... Mehsana.
6. Limbodra	... Do.
7. Pindarda	... Do.
8. Amaja	... Do.
9. Ambawada	... Do.
10. Rampur	... Amreli.
(2) <i>Farta Ankadi Thakarati Villages.</i>	
1. Aglod Motawas including Hathipura	... Mehsana.
2. Aglod Nanawas	... Do.
3. Ghantu Dhanpura	... Do.
4. Rampur Kuvayada	... Do.
5. Sangapur Ghasayata	... Do.
6. Sardarpur	... Do.
7. Ransipur	... Do.

Name of the village.	District.
8. Kot	... Mehsana.
9. Lakaroda	... Do.
10. Dethli	... Do.
11. Aluwa	... Do.
12. Vasna	... Do.
13. Mosampur	... Ahmedabad.
14. Sherkhi	... Baroda.
15. Sindharot	... Do.
16. Nawa Jaspur	... Do.
17. Ekalbara	... Do.
18. Khandiwada	... Do.
19. Saranej	... Do.
20. Khandha	... Do.
21. Saroli	... Sabar Kantha.
22. Valor	... Mehsana.
23. Bhimpur	... Do.
(3) <i>Ek-Ankadi Matadari Villages.</i>	
1. Rantej	... Mehsana.
2. Ambud	... Do.
3. Changod	... Do.
4. Madhasan	... Do.
5. Chandapur	... Do.
6. Sidosan	... Do.
7. Khad Khambhalia	... Amreli.
(4) <i>Farta Ankadi Matadari Villages.</i>	
1. Kuvadra	... Mehsana.
2. Mandali Vihar	... Do.
3. Bilodra	... Do.
4. Mahudi	... Do.
5. Ranchhodpura	... Do.
6. Ganeshpura	... Do.
7. Anodia	... Do.
8. Titodan	... Do.
9. Rangapur	... Do.
10. Haranahoda	... Do.
11. Sujanpura	... Do.
12. Dedana	... Do.
13. Sunasar	... Do.
14. Delapura	... Do.
15. Wamsiya	... Do.
16. Sanpara	... Do.
17. Bhundiya	... Ahmedabad.
18. Lahekawada	... Do.
19. Chekhalarani	... Do.
20. Nani Dau	... Mehsana.
21. Nagalpur Wanto	... Do.
22. Chhatiarda Wanto	... Do.
23. Iyasara	... Do.
24. Gunja Wanto	... Do.
25. Sawala	... Do.

THE SECOND SCHEDULE.

[See section 2(1) (c).]

Ankadia villages in the merged territories of the former Idar, Balasinor, Malpur, Lunawada and Devgad Baria States.

Name of the Village.	District.
1. Banthiwada Ajuna	... Sabar Kantha.
2. Banthiwada Hirola	... Do.
3. Banthiwada Lalkupa	... Do.
4. Banthiwada Jema	... Do.
5. Banthiwada Bammi	... Do.
6. Banthiwada Hira Tinba	... Do.
7. Rayawada	... Do.
8. Bhemapur	... Do.
9. Vagnora	... Do.
10. Lakhapur	... Do.
11. Surdevi	... Do.
12. Beskavo Danti	... Do.
13. Nesda	... Do.
14. Lalodia	... Do.
15. Lambhoya	... Do.
16. Rajpur	... Do.
17. Kestra Damor na Dhundha	... Do.
18. Palla	... Do.
19. Dhuleta	... Do.
20. Dachaka	... Do.
21. Mandali	... Do.
22. Vegha Damor na Dhundha	... Do.
23. Krishnapur	... Do.
24. Belyo	... Do.
25. Limbodra	... Do.
26. Karanpur	... Do.
27. Vasai	... Do.
28. Royania	... Do.
29. Dhanivada	... Do.
30. Ghandikyara	... Do.
31. Pisal	... Do.
32. Kamroda	... Do.
33. Sisodra	... Do.
34. Ghodnal	... Do.
35. Ankhol	... Do.
36. Manpur (Ramas)	... Do.
37. Lodhiana Pahadia	... Do.
38. Kanela	... Do.
39. Mora	... Do.
40. Othwad	... Kaira
41. Nawagam	... Do.
42. Bar	... Do.
43. Jodhpur	... Do.
44. Saradia	... Do.
45. Limarvada	... Do.
46. Parabia	... Do.
47. Bhanthals	... Do.
48. Baliadev	... Do.
49. Dolat-poyda	... Do.

	Name of the village.	District.
50.	Dhanefa	... Kaira.
51.	Raiyoli	... Do.
52.	Jalasang	... Panch Mahals.
53.	Simalia	... Do.
54.	Gollav	... Do.
55.	Bhutpsola	... Do.
56.	Bor	... Do.
57.	Bilia	... Do.
58.	Kalidungri Velji Falia	... Do.
59.	Paroli	... Do.
60.	Bhilod	... Do.
61.	Nathkuva	... Do.
62.	Palli	... Do.
63.	Limdi-Mehdhar	... Do.
64.	Chari	... Do.
65.	Khotharia	... Do.
66.	Dolatpura	... Do.
67.	Kalakhetra	... Do.
68.	Jethola	... Do.
69.	Korwai	... Do.
70.	Chhani	... Do.
71.	Dholkhakhara	... Do.
72.	Vadhela	... Do.
73.	Limdi-Timba	... Do.
74.	Vavkuva	... Do.
75.	Punjelao	... Do.
76.	Navisingnali	... Do.
77.	Chhala Baria-na-muvada	... Do.
78.	Timba	... Do.
79.	Makhalia	... Do.
80.	Sevalia	... Do.
81.	Jokha	... Do.
82.	Gugata	... Do.
83.	Khat-na-muvada	... Do.
84.	Jesola	... Do.
85.	Bhotwa	... Do.
86.	Shekhpur	... Do.
87.	Jalam-Baria-na-muvada	... Do.

The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953.

Received the assent of the President on the 13th June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 22nd June 1953.

Bombay Act No. XLIV of 1953.

An Act to abolish kauli and katuban tenures in the State of Bombay.

WHEREAS certain lands in the Kolaba, Kolhapur and Ratnagiri Districts of the State of Bombay are held on kauli and katuban tenures ;

AND WHEREAS it is expedient to abolish the said tenures, to extinguish the rights and incidents of the said tenures and to make provision for other consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Kauli and Katuban Tenures (Abolition) Act, 1953.

(2) It extends to the districts of Kolaba, Kolhapur and Ratnagiri in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Code" means the Bombay Land Revenue Code, 1879 (Bom. V of 1879);

(b) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(c) "kaul or katuban lease" means a lease or an agreement under which a kauli or katuban land is held, as the case may be;

(d) "kaul-holder" means a person holding kauli or katuban land under a kaul or katuban lease;

(e) "kauli or katuban land" means land held on kauli or katuban tenure;

(f) "permanent holder" means the holder of kauli or katuban land to whom such land has been lawfully transferred as a purchaser or who lawfully holds such land as *dhara* land or on payment of fixed rent or assessment;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "Tribunal" means the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939).

3. *Resumption of kauls.*—With effect from the date on which this Act comes into force,—

(1) all kaul and katuban leases are hereby cancelled;

(2) save as expressly provided by this Act, all terms and conditions of the said leases and all incidents thereunder shall be deemed to have been extinguished; and

(3) any tax known as a tree tax leviable in respect of any kauli or katuban land is hereby abolished.

4. *Liability of kauli and katuban lands to land revenue.*—Notwithstanding anything contained in a kaul, a katuban lease, a decree or order of a court or any other instrument or any law for the time being in force,—

(a) all kauli and katuban lands are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder; and

(b) (i) a kaul-holder in respect of kauli or katuban land which is in his actual possession or is in the possession of any person who holds the same through or under him and who is not a permanent holder; or

(ii) a permanent holder;

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights, and shall be liable to all the obligations, in respect of such land under the Code and the rules made thereunder or any other law for the time being in force.

5. *Waste lands, etc., to vest in State Government*—(a) All waste lands which under the terms of the kaul or katuban lease are the property of the kaul-holder but have not been appropriated or brought under cultivation before the 4th March 1953:

(b) all other kinds of property referred to in section 37 of the Code situate in kauli or katuban land which is not the property of any individual or an aggregate of persons legally capable of holding property other than the kaul-holder and except in so far as any rights of persons may be established in or over the same and except as may be otherwise provided by any law for the time being in force, together with all rights in or over the same or appertaining thereto, are, and are hereby declared to be, the property of the State Government and it shall be lawful to dispose of and sell the same by the authority, in the manner and for the purposes prescribed in section 37 or 38 of the Code, as the case may be.

6. *Forest rights.*—The rights to trees reserved by the Code, the Indian Forest Act, 1927 (XVI of 1927), or any other law for the time being in force shall vest in the State Government and nothing in this Act shall affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927 (XVI of 1927), as in force in the State to forests in any kauli or katuban land.

7. *Method of compensation on abolition of rights under the kauli or katuban land.*—(1) If the kaul-holder or any person claiming through or under him is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any property and if such kaul-holder or person proves that the extinguishment or modification amounts to transference to public ownership of his property, the kaul-holder or person may apply to the Collector for compensation.

(2) Such application shall be made in the form prescribed within six months from the date on which this Act comes into force.

(3) The Collector shall, after holding a formal inquiry in the manner provided by the Code, award such compensation as he deems reasonable and adequate :

Provided that the amount of compensation for extinguishment of any right in any waste land which under the terms of the kaul or katuban lease was the property of the kaul-holder shall be the amount calculated at the rate of Rs. 25 per 100 acres of such land :

Provided further that in the case of extinguishment or modification of any other right of a kaul-holder or the right of any other person the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894).

8. *No compensation on account of land being made liable to payment of full assessment.*—Nothing in section 7 shall entitle any person to compensation on the ground that any kauli and katuban land held by him on payment of a fixed assessment or rent either in cash or in kind which is lower in value than the full assessment payable in respect of such land in accordance with the provisions of the Code has been, under the provisions of this Act, made subject to the payment of such full assessment.

9. *Amount of compensation to be payable in transferable bonds.*—The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

10. *Appeal*—(1) Any person aggrieved by the award of the Collector may appeal to the Tribunal.

(2) In deciding appeals under this section, the Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908 (V of 1908).

11. *Limitation.*—Every appeal under this Act to the Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908) shall apply to the filing of such appeal.

12. *Court-fee.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeal made under this Act to the Tribunal shall bear a court fee stamp of such value as may be prescribed.

13. *Finality of award of Collector and decision of Tribunal.*—The award made by the Collector subject to an appeal to the Tribunal and the decision of the Tribunal on appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

14. *Inquiries and proceedings to be judicial proceedings.*—All inquiries and proceedings before the Collector and the Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

15. *Rules.*—The State Government may by notification in the *Official Gazette* make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.

The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953

Received the assent of the President on the 14th June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 23rd June 1953.

Bombay Act No. XLV of 1953

An Act to abolish mulgiras tenure prevailing in the merged territories of the former State of Baroda.

WHEREAS it is expedient to abolish the mulgiras tenure prevailing in the merged territories of the former State of Baroda, to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953.

(2) It extends to the merged territories of the former State of Baroda which are included in the district of Amreli.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. *Definitions.*—(1) In this Act, unless there is anything repugnant in the subject or context—

(i) "*Ankdo*" means a lump sum paid annually by a mulgirasia to Government as revenues and other *haks* in respect of the village held by him ;

(ii) "*cash hak*" means a cash allowance received by a mulgirasia in lieu of *haks* known as *Chirda Hak*, *Mapa Hak*, *Taka Hak* or *Kothali Santh* under the law in force in the merged territories of the former State of Baroda immediately before the 30th day of July 1949 ;

(iii) "*Code*" means the Bombay Land Revenue Code, 1879 (Bom. V of 1879) ;

(iv) "*Collector*" includes an officer appointed by the State Govern-

ment to perform the functions and exercise the powers of the Collector under this Act ;

(v) "mulgirasia" means the holder of a mulgiras village or mulgiras land and includes his co-sharer ;

(vi) "mulgiras tenure" means a tenure on which a mulgiras village or land is held by a mulgirasia ;

(vii) "mulgiras land" means a land held on mulgiras tenure ;

(viii) "mulgiras villages" means villages specified in the Schedule appended to this Act ;

(ix) "prescribed" means prescribed by rules made under this Act.

(2) Any word or expression which is defined in the Code but not defined in this Act shall be deemed to have the meaning given to it in the Code.

(3) References in this Act to the incidents of mulgiras tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

3. *Abolition of mulgiras tenure.*— With effect from and on the date on which this Act comes into force,—

(1) the mulgiras tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished ;

(2) the right of a mulgirasia to receive any cash *hak* shall be deemed to have been terminated ;

(3) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished ;

(4) a mulgirasia shall cease to pay to the State Government any *Ankdo* payable by him as an incident of mulgiras tenure ;

(5) all the lands in mulgiras villages and all mulgiras lands shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder.

4. *Persons to be deemed as occupants.*— (i) In a mulgiras village,—

(a) in the case of land held by a mulgirasia, such mulgirasia, and

(b) in the case of land held by a co-sharer of mulgirasia, such co-sharer, and

(ii) in the case of a mulgiras land, the mulgirasia or his co-sharer, holding such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

5. *Compensation for the abolition of cash hak*— Where a mulgirasia was receiving any cash *hak*, a sum equal to seven times the amount of cash *hak* due to him for the year immediately preceding the date on which this Act comes into force shall be paid to him as compensation in consideration of the extinguishment of his right to receive such cash *hak*

6. *All public roads, etc., situate in mulgiras villages or lands to vest in Government.*— All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are situate within the limits of any mulgiras village or mul-

giras land shall, except in so far as any rights of any person other than the mulgirasia may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by a mulgirasia in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the date on which this Act comes into force.

7. *Right to trees* — The rights to trees specially reserved under the Indian Forest Act, 1927 (XVI of 1927), or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927 (XVI of 1927), as in force in the State of Bombay to forests in a mulgiras village or mulgiras land.

8. *Compensation to mulgirasias for extinguishment of rights under section 6.*—(1) Any mulgirasia having any rights or interest in the property referred to in section 6 shall be entitled to compensation in the manner provided in the following paragraphs, namely :—

(a) within a period of twelve months from the date on which this Act comes into force, the mulgirasia shall apply in writing to the Collector stating the nature of his right, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his rights ;

(b) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any rights in the land and that such rights have been extinguished under section 6, shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894 (I of 1894), subject to the following conditions, namely :—

(i) if the property acquired is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(ii) if the property is land over which the public has been enjoying or acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(iii) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be ;

Explanation —For the purposes of this section, the “market value”

shall mean the value as estimated in accordance with the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894), in so far as such provisions may be applicable.

(2) Every award made under sub-section (1) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894 (I of 1894), and the provisions of the said Act, shall, so far as may be, apply to the making of such award.

9. *Appeal against Collector's award.*—An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), notwithstanding anything contained in the said Act.

10. *Procedure before Revenue Tribunal.*—(1) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(2) In deciding appeals under this Act, the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908 (V of 1908).

11. *Limitation.*—Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeal.

12. *Court-fees.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

13. *Finality of award and decision of Revenue Tribunal.*—The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive.

14. *Inquiries and proceedings to be judicial proceedings.*—All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

15. *Method of compensation for the extinguishment or modification of any other rights.*—(1) If any person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any land other than those in respect of which provision for the payment of compensation has been made under section 8 and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of twelve months from the date on which this Act comes into force.

(2) The Collector shall, after holding a formal inquiry in the manner provided in the Code, make an award deciding such amount of compensation as he deems reasonable and adequate. In deciding the amount of compensation, the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894).

(3) An appeal shall lie from the said award to the Bombay Revenue Tribunal.

(4) The provisions of sections 8 to 14 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(5) Nothing in this section shall entitle any person to compensation on the ground that any mulgiras village or mulgiras land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

16 Amount of compensation to be payable in transferable bonds—The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

17. Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenant in mulgiras villages and lands.—Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), to any of the lands comprised in any mulgiras village or a mulgiras land or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

18 Rules.—(1) The State Government may, by notification published in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :—

(a) the value of court-fee stamp payable on an appeal to the Bombay Revenue Tribunal under section 12 ;

(b) the denominations and forms of transferable bonds and the intervals at which interest shall be payable thereon under section 16 ;

(c) any other matter which is to be or may be prescribed under this Act.

(3) Rules made under this section shall be subject to the conditions of previous publication.

19. Repeal—(1) The Amreli District Mulgirasias (Adoption and Mutation) Rules, 1937, of the former Baroda State are hereby repealed.

(2) Any other law so far as it regulated mulgiras tenure immediately before the coming into force of this Act shall cease to apply to mulgiras tenure.

(3) Nothing in sub-sections (1) and (2) shall affect,—

(a) any obligation or liability already incurred before the coming into force of this Act ;

(b) any proceeding in respect of such obligation or liability ; and any such proceeding may be continued as if this Act had not been passed.

SCHEDULE

[Section 2(1) (viii).]

Mulgiras villages in the district of Amreli.

Taluka.			Name of the village.	
1.	Dhari	...	...	Ingorala
2.	Do.	...	...	Chachai
3.	Do.	...	...	Kotda

Taluka.			Name of the village.	
4.	Dhari	...	...	Pania
5.	Do.	...	...	Zar
6.	Do.	...	...	Mithapur
7.	Amreli	...	...	Timbla
8.	Do.	...	...	Nana Mandawada
9.	Do.	...	...	Piplag
10	Damnagar Mahal	...	...	Monpur.

The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.

Received the assent of the President on the 13th June 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 24th June 1953.

Bombay Act No. XLVI of 1953

An Act to abolish watans in the merged territories of the former State of Baroda.

WHEREAS it is expedient to abolish all watans settled under the Baroda Watan Rules in the merged territories of the former State of Baroda and to provide for certain consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*— (i) This Act may be called the Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.

(2) It extends to the merged territories of the former State of Baroda included in the districts of Surat, Broach, Baroda, Panch Mahals, Kaira, Ahmedabad, Sabar Kantha, Mehsana, Banas Kantha and Amreli.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

2. *Definitions* —(1) In this Act, unless there is anything repugnant in the subject or context,—

(i) “Baroda Watan Rules” means the Watan Rules of 1932 of the former State of Baroda as in force immediately before the 30th July 1949 ;

(ii) “cash allowance” means a grant in cash received by a watandar as watan under the Baroda Watan Rules and includes a maintenance allowance payable to a sub-sharer or a female member of a watandar’s family under the said Rules ;

(iii) “Code” means the Bombay Land Revenue Code, 1879 (Bom. V of 1879) ;

(iv) “Collector” includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(v) “prescribed” means prescribed by rules made under this Act ;

(vi) “watan” means a watan governed by the Baroda Watan Rules ;

(vii) “watandar” means a person in whose name a watan is registered under the Baroda Watan Rules and includes a co-sharer of such watandar recognised under the said Rules ;

(viii) “watan land” or “watan village” means a land or village held by a watandar as a watan.

(2) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it by the Code.

(3) References in this Act to the provisions of the Baroda Watan Rules and the incidents of watans shall, notwithstanding the repeal of the said Rules and abolition of the said watans by this Act, be construed as

references to the said provisions and incidents as they were in force immediately before this Act comes into force.

3. *Abolition of watans.*—With effect from and on the date on which this Act comes into force—

(1) all watans in the merged territories of the former State of Baroda shall be deemed to have been abolished ;

(2) save as expressly provided by this Act, all incidents of the said watans shall be deemed to have been extinguished ;

(3) subject to the provisions of section 4, all watan land and watan villages are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if such land and villages were unalienated :

Provided that such resumption shall not affect the validity of any alienation of any watan land if such land has been validly alienated under the provisions of the Baroda Watan Rules or the rights of an alienee thereof or any person claiming under or through him.

4. *Holder of watan land to be occupant.*—(1) A watan land resumed under the provisions of this Act shall be regranted to the holder thereof on payment of the occupancy price equal to six times of the amount of the full assessment of such land within two years from the date of the coming into force of this Act and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; and all the provisions of the Code and rules made thereunder relating to unalienated land shall, subject to the provisions of this Act, apply to the said land :

Provided that if the holder fails to pay the occupancy price within the period of two years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(2) The occupancy of the land regranted under sub-section (1) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purpose of this section the expression “holder” shall include—

(i) a watandar holding a watan land as watan for the time being ; and

(ii) where a watan land has been validly alienated under the Baroda Watan Rules, the alienee of such land or a person claiming under or through such alienee.

(3) Nothing in sub-section (2) shall apply to a watan land which has been validly alienated under the Baroda Watan Rules.

(4) Nothing in this section shall apply to a watan land or village in respect of which the watan property consists of the whole or a part of the land revenue of such land or village.

5. *Compensation for the commutation of cash allowance.*—(1) Where the watan consists of a cash allowance the holder thereof shall be paid a sum equal to—

(a) five times of the amount of such cash allowance, if the watan was recognised as hereditary before the date of the coming into force of this Act ; and

(b) three times of the amount of such cash allowance, if the watan was recognised as granted only for the life-time of the holder before the

date of the coming into force of this Act.

(2) For the purposes of this section, the amount of cash allowance shall be the amount paid or payable to the holder for the year immediately preceding the date on which this Act comes into force.

6. *Commutation of watan consisting of whole or part of land revenue.*—In the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, a sum equal to ten times the amount of such land revenue shall be paid to the watanदार as compensation.

7. *Application of B.m. LXVII of 1948 to lands lawfully leased.*—If any watan land has been lawfully leased and such lease is subsisting on the date on which this Act comes into force, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act.

Explanation.—For the purposes of this section the expression "land" shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948).

8. *Method of compensation for abolition of other rights.*—(1) Any person aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property may, if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, apply to the Collector for compensation.

(2) An application under sub-section (1) shall be made to the Collector in the prescribed form within six months from the date on which this Act comes into force. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(3) In determining the amount of compensation the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894).

(4) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected to the payment of full assessment in accordance with the provisions of the Code.

(5) Any person aggrieved by the award of the Collector made under sub-section (2) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939 (Bom. XI of 1939), within 60 days from the date of the award.

(6) In deciding appeals under sub-section (5) the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which the court follows in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908 (V of 1908).

(7) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the appeals made under this section.

9. *Court-fees.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

10. *Finality of award of Collector and decision of Revenue Tribunal.*—The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

11. *Inquiries and proceedings to be judicial proceedings.*—All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

12. *Amount of compensation to be payable in transferable bonds.*—The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

13. *Rules*—The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

14. *Repeal*—The Baroda Watan Rules are hereby repealed :

Provided that the repeal of the said Rules shall not be deemed to affect—

(a) any obligation or liability already incurred or accrued before the date of the commencement of this Act ;

(b) any proceeding in respect of such obligation or liability ; and any such proceeding may be continued, as if this Act had not been passed.

The Bombay Sales of Intoxicants Taxation Act, 1953.

Received the assent of the President on the 17th July 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 23rd July 1953.

Bombay Act No. XLVII of 1953

An Act to provide for the levy of a tax on the sales of intoxicants in the State of Bombay.

WHEREAS it is expedient to provide for the levy of a tax on the sales of intoxicants in the State of Bombay ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Sales of Intoxicants Taxation Act, 1953

(2) It shall extend to the whole of the State of Bombay.

(3) This section shall come into force at once and the rest of this Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(1) "asava or arishta" means a medicinal preparation in liquid form which contains alcohol generated by a process of fermentation and which is prepared in accordance with the Ayurvedic system of medicine ;

(2) "Collector" means the Collector of Sales Tax appointed under the Bombay Sales Tax Act, 1953 (Bom. III of 1953) ;

(3) "country liquor" means all liquor, other than foreign liquor, produced or manufactured in India ;

(4) "duty paid foreign liquor" means foreign liquor on which,—

(i) duty leviable under the Indian Tariff Act, 1934 (XXXII of 1934), or the Sea Customs Act, 1878 (VIII of 1878), or

(ii) the excise or countervailing duty under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), has been paid and includes foreign liquor which is exempted from such duty ;

(5) "fermented liquor" means ale, beer, milk stout, stout (porter) and cider and such other fermented liquor which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act ;

(6) "foreign liquor" means duty paid potable foreign liquor brought into India by sea, air or land and includes spirits, wines and fermented liquors :

Provided that the State Government may, by notification in the *Official Gazette*, declare that any specified kind of country liquor shall, for the purposes of this Act, be deemed to be foreign liquor ;

(7) "hemp drugs" means ganja and bhang ;

(8) "intoxicant" means foreign liquor, country liquor, spirituous medicinal preparation, non-potable liquor, opium and hemp drugs ;

(9) "licence" means a licence granted or renewed under this Act ;

(10) "medicated or tonic wine" means a mixture or compound of any wine with medicinal substances, whether the wine is fortified with spirit or not and which is a "drug" as defined in the Drugs Act, 1940 (XXIII of 1940) ;

(11) "non-potable liquor" means,—

(a) rectified spirit,

(b) denatured spirit,

(c) methyl alcohol,

(d) higher alcohols, that is, amyl alcohol, butyl alcohol, capryl alcohol, propyl alcohol and fuel oil,

(e) any other non-potable liquor which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act ;

(12) "opium" means—

(a) the capsules of poppy (*Papaver Somniferum L.*),

(b) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport, and

(c) any mixture with or without neutral materials of any of the above forms of opium ;

(13) "prescribed" means prescribed by rules ;

(14) "rules" means rules made under this Act ;

(15) "sale" means a sale of intoxicants made within the State of Bombay for cash or deferred payment or other valuable consideration and includes any supply by a society or club or an association to its members on payment of price or on fees or subscription ; the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions shall be construed accordingly ;

Explanation—Notwithstanding anything contained in the Indian Sale of Goods Act, 1930 (III of 1930), the sale of any intoxicants which have actually been delivered in the State of Bombay as a direct result of such

sale for the purpose of consumption in the said State shall be deemed for the purposes of this Act to have taken place in the said State, notwithstanding the fact that the property in the intoxicants has by reason of such sale, passed in another State.

(16) "Schedule" means the Schedule appended to this Act ;

(17) "spirits" means brandy, whisky, rum, gin, liqueurs and milk punch and such other spirits which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act ;

(18) "spirituous medicinal preparation" means any medicinal preparation in liquid form containing alcohol and includes a medicated or tonic wine, an Asava or Arishta ;

(19) "State" means the State of Bombay ;

(20) "warehouse" means any place where an intoxicant is manufactured, stored or kept for purposes other than private consumption ;

(21) "wines" means champagne, moselle, burgundy, chianti, white wine, clarets, hocks, reisling, madeira, ginger wine, port-type, port and vermouth sherry, and such other wines which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act.

3 Levy of tax.—(1) There shall be levied and collected on the sale of the intoxicants specified in column 1 of the Schedule a tax at the rates specified against them in column 2 thereof :

Provided that such tax shall not be levied on its sale at more than one stage between its manufacture or import and its consumption.

(2) The tax under sub-section (1) shall be paid in addition to the general tax payable under the Bombay Sales Tax Act, 1953 (Bom. III of 1953).

4 Manner of levying tax.—(1) Subject to the provisions of section 5, the tax under section 3 shall be levied by the Collector at the prescribed time and in the prescribed manner.

(2) If the tax payable under section 3 is not paid in accordance with the provisions of sub-section (2) of section 9, the Collector may in lieu thereof recover any sum not exceeding double the amount of the tax so unpaid or any smaller sum above the amount of the tax which the Collector may think it reasonable to recover.

5 Assessment of tax—(1) In cases where accounts are kept and maintained and statements submitted in the manner and within the period prescribed under section 9, the tax leviable under section 3 shall be assessed by the Collector on the sale price of the intoxicants sold as disclosed in such accounts and statements.

(2) In cases where no such accounts are kept and maintained or where no such statements are submitted or where such accounts or statements are in the opinion of the Collector false or incorrect, the Collector shall, after making such inquiry as he thinks fit, make the assessment which he considers proper and reasonable.

6 Person who sells intoxicants to take out licence—(1) Every person who sells or carries on the business of selling any intoxicant shall obtain a licence from the Collector for the sale of the intoxicant.

(2) Where such person has more than one shop, warehouse or place of business, whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each shop, warehouse or place of business.

(3) Every licensee shall get his licence renewed before the date on which it expires.

Explanation.—A person who sells or carries on the business of selling any intoxicant shall include a State Government which sells or carries on the business of selling any intoxicant.

7. *Application for, and grant and renewal of, licence.*—(1) An application for licence shall be made to the Collector in the prescribed manner not later than one calendar month before the date from which the licence is required.

(2) The Collector shall, after such inquiry as he considers necessary, if the application is in order and subject to the provisions of sub-section (3) of section 10, grant a licence which shall be in such form, for such term and subject to such conditions as may be prescribed :

Provided that where a licence or permit, under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), is necessary for the possession or sale of any intoxicant, no licence shall be granted to any person under this Act, in respect of such intoxicant unless he holds the requisite licence or permit under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949).

(3) Any licence granted under this section may be renewed from time to time for such further term as may be prescribed, upon application made in the prescribed manner.

(4) The Collector may impose for the grant or renewal of every licence such fee not exceeding Rs. 5 as may be prescribed.

8. *No person to sell without licence.*—No person shall sell or carry on the business of selling any intoxicant without holding a licence under section 6.

9. *Obligation to keep accounts and submit statements.*—(1) Every person to whom sub-section (1) of section 6 applies shall keep and maintain accounts in the form prescribed of the sale price and quantity of intoxicants sold or purchased by him and shall submit to the officer authorised in this behalf by the Collector, statements in such form and by such dates as may be prescribed.

(2) Every person required to furnish any statement under sub-section (1) shall, before the date by which such statement is submitted in the prescribed manner, pay into a Government treasury or the Reserve Bank of India on Government account the full amount of the tax due from him under this Act according to such statement and shall furnish along with such statement, a receipt from such treasury or Bank, as the case may be, showing the payment of such amount.

10. *Suspension or cancellation of licence*—(1) Subject to such conditions as may be prescribed, the Collector may suspend or cancel a licence given under section 6,—

(a) if any tax payable under section 3 is not duly paid by the holder of such licence ; or

(b) if there is any breach of any of the conditions subject to which the licence is granted ; or

(c) if the holder of such licence contravenes any of the provisions of this Act or the rules made thereunder ; or

(d) if the holder of such licence ceases to hold any permit or licence which is necessary under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), for the possession or sale of any intoxicant in respect of which the licence under this Act has been granted.

(2) If the licence is suspended or cancelled for any reasons, the licensee shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

(3) Where a licence held by any person has been suspended or cancelled, or where any person fails to pay any tax payable by him under

section 3 or is convicted of any offence punishable under this Act or the rules made thereunder, the Collector may refuse to grant a licence to such person or to any undivided Hindu family, firm, association or society of which such person is a member or partner, or to any person who has acquired the business of such person.

11. Production and inspection of accounts and documents and search of premises.—(1) The Collector may, for the purposes of this Act, at all reasonable times,—

(a) require any person, to whom sub-section (1) of section 6 applies, to produce before him accounts, registers or other documents or to furnish any other information, or

(b) inspect the accounts, registers and other documents and the stocks of any intoxicants stored or kept in any shop, warehouse or place of business of any such person, or

(c) enter and search any building, vessel, vehicle or place in which he has reason to believe that an intoxicant is stored or kept for the purpose of its sale.

(2) If the Collector has reason to suspect that any person is attempting to commit an offence punishable under this Act, he may for reasons to be recorded in writing seize such accounts, registers or other documents of such person as may be necessary and shall grant a receipt for the same and shall retain the same only for so long as may be necessary for examination thereof or for a prosecution.

12. Searches how made.—All searches made under section 11 shall be made in accordance with the provisions of the Code of Criminal Procedure 1898 (V of 1898).

13. Power of investigation.—(1) The Collector and any person appointed to assist him who is empowered in this behalf by the State Government shall have the power to investigate all offences punishable under this Act.

(2) The Collector and every person so empowered shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1898 (V of 1898), upon an officer in charge of a police station for the investigation of a cognizable offence.

14. Penalty for contraventions or requirements under various provisions of the Act.—(1) Whoever,—

(a) contravenes the provisions of section 8, or

(b) fails, without sufficient cause, to keep or maintain accounts or to submit any statement as required by section 9 or knowingly keeps or maintains false accounts or submits false statement, or

(c) fails to comply with any requirement made of him under sub-section (1) of section 11, or

(d) knowingly produces false accounts, registers or documents, or knowingly furnishes false information, or

(e) obstructs any officer making an inspection, a search or a seizure under section 11, or

(f) aids or abets any person in the commission of any act specified in clauses (a) to (e) of this sub-section,

shall, in addition to the recovery of any tax that may be due from him, on conviction, be punished with simple imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both; and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

15. *Offences to be bailable.*—All offences punishable under this Act shall be bailable.

16. *Jurisdiction to try offences.*—No Magistrate, below the rank of a Presidency Magistrate or a Magistrate of the Second Class, shall try an offence under this Act.

17. *Power to compound offences.*—(1) The Collector may accept from any person who has committed an offence punishable under this Act or the rules made thereunder by way of composition of such offence, such sum of money as the Collector may fix, which shall not exceed,—

(i) a sum double the amount of the tax payable under section 3 in respect of any sales conducted by such person, or

(ii) one thousand rupees,

whichever is greater.

(2) On the payment of such sum to the Collector, the accused person shall be discharged and no further proceedings shall be taken against such person in respect of such offence.

18. *Delegation of power by Collector.*—Subject to the general or special orders of the State Government, the Collector may delegate any of the powers conferred upon him by or under this Act or the rules framed thereunder to any person appointed to assist him under the Bombay Sales Tax Act, 1953 (Bom. III of 1953), not below the rank of a Sales Tax Officer (Junior).

19. *Licence fee and other dues to be recoverable as arrears of land revenue.*—All sums payable as taxes, fees or penalties under section 3, 4 or 7 shall be recoverable as arrears of land revenue.

20. *Officers to be public servants.*—All officers acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

21. *Protection of person acting in good faith and limitation of suits and prosecutions.*—(1) No suit, prosecution or other legal proceedings shall be instituted against any officer of Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

(2) No suit shall be instituted against the State and no prosecution or suit shall be instituted against any officer of Government in respect of anything done or intended to be done, under this Act unless the suit or prosecution has been instituted within six months from the date of the act complained of.

22. *Appeal and revision.*—(1) Within sixty days of the making of of any order under this Act, other than an order made by the Collector, any person aggrieved by such order may, in the prescribed manner, appeal to the prescribed authority against such order.

(2) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-sections (3) and (4), be final.

(3) Subject to such rules as may be made in this behalf and for reasons to be recorded in writing, the Collector may, upon application or of his own motion, revise any order passed under this Act or the rules thereunder by a person to whom he has delegated any of his powers under section 18 :

Provided that—

(a) no application under this sub-section shall be entertained if it is not made within a period of four months from the date of the order ;

(b) before rejecting any application for the revision of any such order, the Collector shall record reasons for such rejection ; and

(c) before any order is passed under this sub-section which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(4) The State Government may, at any time, call for and examine the record of any order of, or the proceedings recorded by, any officer or person for the purpose of satisfying itself as to the legality or propriety of such order passed by, or as to the regularity of such proceedings of, such officer or person and may pass such order in reference thereto as it thinks fit.

23 Power of Government to exempt class of persons and any intoxicant from Act.—The State Government may, by rules made in this behalf, exempt any class of persons or any intoxicant from all or any of the provisions of this Act if the State Government is satisfied that in public interest such exemption is necessary.

24. Power to make rules.—(1) The State Government may, for the purposes of carrying out the provisions of this Act, make rules.

(2) In particular and without prejudice to the generality of the foregoing provision, the State Government may make rules for the following matters, namely :—

(a) the stage and time at which and the manner in which the tax shall be levied under section 4 ;

(b) the manner of making an application, the form, term and conditions of licence under section 7, the term of renewal and the fees for the grant or renewal thereof ;

(c) the form of accounts to be maintained and of statements to be submitted, the dates by which and the manner in which such statements are to be submitted under section 9 ;

(d) the conditions subject to which a licence may be suspended or cancelled under section 10 ;

(e) the manner in which, and the authority to which, appeals against any order under this Act may be preferred under section 22 ;

(f) the procedure for, and other matters (including fees) incidental to, the disposal of appeals and applications for revision under section 22 ;

(g) the conditions and restrictions subject to which any class of persons or any intoxicant may be exempted from all or any of the provisions of this Act under section 23 ;

(h) any other matter which is required to be or may be prescribed.

(3) Any rule made under this section may provide that any person contravening any such rule shall be liable, on conviction, to be punished with a fine which may extend to one hundred rupees.

(4) Rules made under this section shall be subject to the condition of previous publication and shall be published in the *Official Gazette*.

25. Act and rules not to apply to certain sales or purchases—Nothing in this Act or the rules made thereunder shall apply to any sale or purchase of any intoxicants or impose or authorise the imposition of a tax under this Act on any sale or purchase of any intoxicant, where such sale or purchase takes place—

(a) (i) outside the State : or

(ii) in the course of the import of the intoxicants into the territory of India, or the export of the intoxicant out of such territory ;

(b) in the course of inter-State trade or commerce, except in so far as Parliament may by law otherwise provide, and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation.—For the purpose of clause (a) (i), a sale or purchase shall be deemed to have taken place in the State in which the intoxicant has actually been delivered as a direct result of such sale or purchase for the purpose of consumption in that State, notwithstanding the fact that under the general law relating to sale of goods the property in the intoxicant has by reason of such sale or purchase passed in another State.

26. Non-application of Bombay Sales Tax Act, 1953, to intoxicants.—Nothing in the Bombay Sales Tax Act, 1953, (Bom III 1953), in so far as it provides for the levy of special tax under the said Act shall apply to the sale or purchase of any intoxicant on the sale of which a tax is levied under this Act.

Schedule.
(See section 3)

Name of Intoxicant.	Rate of tax.
1	2
1. (i) Foreign liquor	... Six annas in the rupee of the sale price.
(ii) Country liquor	
2. Spirituous medicinal preparations	... Four annas in the rupee of the sale price.
3. (i) Non-portable liquor	... One anna in the rupee of the sale price.
(ii) Opium.	
(iii) Hem drugs.	

The Bombay Merged Territories Matadari Tenure Abolition Act, 1953.

Received the assent of the President on the 20th August 1953 and was published in the *Bombay Government Gazette*, Part IV, dated 26th August 1953.

Bombay Act No. XLVIII of 1953.

An Act to abolish Matadari tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the tenure on which certain Matadari Estates are held in the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas and to provide for certain consequential and incidental matters hereinafter appearing; It is hereby provided as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Bombay Merged Territories Matadari Tenure Abolition Act, 1953.

(2) It extends to the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas which are included in the districts of Ahmedabad, Kaira and Sabarkantha.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context—

(i) "Ankdo" means a lump sum paid annually by a Matadar to Government as revenues of a Matadari estate;

(ii) "Bhayati land" mean the land assigned to a co-sharer of a Matadar;

(iii) "Code" means the Bombay Land Revenue Code, 1879 (Bom. V of 1879);

(iv) "Collector" includes an officer appointed by the State Govern-

ment to perform the functions and exercise the powers of the Collector under this Act ;

(v) "Gharkhed land" means the land held by a Matadar as his private or personal property ;

(vi) "land register" means a register of lands in a village comprising a Matadari estate maintained in such village ;

(vii) "Matadar" means the holder of a Matadari estate and includes his co-sharer ;

(viii) "Matadari estate" means a Matadari estate specified in the Schedule appended to this Act ;

(ix) "Matadari tenure" means a land tenure on which a Matadari estate is held by a Matadar ;

(x) "prescribed" means prescribed by rules made under this Act ;

(xi) "registered occupant" means a person whose name is entered in the land register as the holder of a Sarkari land ;

(xii) "Sarkari land" means a land shown in the land register as "Sarkari".

(2) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it in the Code.

(3) Reference in this Act to the incidents of the Matadari tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

(4) If any question arises whether any land is Gharkhed, Bhayati or Sarkari the State Government or any officer authorised by the State Government shall decide the question and his decision shall be final.

3. *Abolition of Matadari tenure.*— With effect from and on the date on which this Act comes into force—

(1) the Matadari tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished ;

(2) save as expressly provided by this Act, all the incidents of the said tenure shall be deemed to have been extinguished ;

(3) all the villages comprised in the Matadari estates are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder ;

Provided that nothing in this section shall be deemed to effect any *devasthan* inam or inams held for religious or charitable institutions.

4. *Persons to be deemed as occupants.*—(1) In a Matadari estate—

(a) in the case of Gharkhed land held by a Matadar, such Matadar ;

(b) in the case of Bhayati land held by a co-sharer of a Matadar, such co-sharer ; and

(c) in the case of Sarkari land, the registered occupant holding such land ;

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

(2) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (1) shall be free from the liability for the payment of any amount in respect thereof to the Matadar as an incident of Matadari tenure and all the rights of a Matadar in his capacity as Matadar in such land shall be deemed to have been extinguished.

5. *Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.*—For the removal of doubt it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in a Matadari estate and all other kinds of property referred to in section 37 of the Code situate in a Matadari estate, which are not the property of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

6. *Method of compensation for the extinguishment or modification of rights of Matadars.*—(1) If a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in a Matadari estate, he may apply to the Collector for compensation.

(2) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(3) The Collector shall, subject to the provisions of section 7, after holding a formal inquiry in the manner provided by the Code, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly.

(4) Subject to the provisions of section 10, the award of the Collector shall be final.

7. *Amount of compensation.*—(1) Where a Matadar was, as an incident of Matadari tenure, entitled to a portion of the revenues of the Matadari estate remaining after payment of the *Ankdo* to Government, the amount of compensation shall be three times the average of the amount of such portion proved to have been received by the Matadar during the five years immediately before the date on which this Act comes into force.

(2) Where a Matadar was receiving cash allowance for the collection of revenue of his Matadari estate, the amount of compensation shall be seven times the amount of cash allowance received by the Matadar for the year immediately preceding the date on which this Act comes into force.

8. *Method of compensation for extinguishment or modification of rights of any other person.*—(1) If any person other than a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in land and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of six months from the date on which this Act comes into force.

(2) The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(3) Subject to the provisions of section 10, the award of the Collector shall be final.

9. *In determining compensation, sections 23 and 24 of Act I of 1894 to be applicable.*—In determining the amount of compensation under section 6 or 8, the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894).

10. *Appeals against award.*—(1) Any person aggrieved by the award of the Collector made under section 6 or 8 may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939).

(2) In deciding an appeal under sub-section (1), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908 (V of 1908).

11. *Limitation for appeals.*—Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeal.

12. *Court fees.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court fee stamp of such value as may be prescribed.

13. *Amount of compensation to be payable in transferable bonds.*—The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds repayable after the expiry of twelve years from the date of issue of such bonds and carrying interest at the rate of four per cent. per annum from such date. The bonds shall be of such denominations and shall be in such forms and the interest thereon shall be payable at such intervals as may be prescribed.

14. *Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenant in Matadari village.*—Nothing in this Act shall, in any way, be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), to any of the lands comprised in any Matadari estate, or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

15. *Rules.*—The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*.

16. *Saving.*—Nothing contained in this Act shall affect—

(1) any obligation or liability already incurred under an incident of Matadari tenure before the date on which this Act comes into force; or

(2) any proceeding or remedy in respect of any such obligation or liability and any such proceeding or remedy may be instituted, continued or enforced, as if this Act had not been passed.

SCHEDULE.

(See SECTION 2).

Serial No.	Name of the Matadari Estate.	District.
1	Harakhji-na-Muada	Annedabad.
2	Amraji-na-Muada	Do.
3	Vatva	Do.
4	Bardoli	Do.
5	Harsoli	Do.
6	Palundra	Do.
7	Dabhoda	Do.
8	Vadodra	Do.

Serial No.	Name of the Matadari Estate.	District.
9	Salki	Ahmedabad.
10	Anguthla	Do.
11	Khanpur	Do.
12	Rakhial	Do.
13	Sametri	Do.
14	Kalyanji-na-Muada	Do.
15	Sahebji-na-Muada	Do.
16	Kadjodra	Do.
17	Lihoda	Do.
18	Siawada	Do.
19	Lawad	Do.
20	Ged	Sabar Kantha.
21	Morwad	Do.
22	Polajpur	Do.
23	Chandap	Do.
24	Gazipur	Do.
25	Barmuada	Kaira.
26	Nirmali	Do.
27	Zer	Do.
28	Kaprupur	Do.
29	Mahisa	Do.
30	Porda	Do.
31	Dana	Do.

The Bombay Merged States (Laws) (Second Amendment) Act, 1953.

Received the assent of the Governor on the 1st October 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 7th October 1953.

Bombay Act No. XLIX of 1953.

An Act to amend the Bombay Merged States (Laws) Act, 1950.

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Merged States (Laws) (Second Amendment) Act, 1953.

2. *Amendment of Third Schedule to Bom. IV of 1950*—In the Third Schedule to the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), the following entry shall be added at the end, namely :—

“The Bombay All merged Local Boards States To section 93, the following sub-section shall be added, namely :—

Act, 1923
(Bom. VI of
1923).

“(3) Notwithstanding anything contained in sub-section (1), the State Government may, having regard to the standard rate of assessment in any area, by notification in the *Official Gazette* direct that no cess shall be levied in such area for such period or that the cess shall be levied in such area for such period at such lower rate, as may be specified in the notification’.”

The Bombay Land Tenures Abolition (Recovery of Records) Act, 1953.

Received the assent of the Governor on the 1st October 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 7th October 1953.

Bombay Act No. L of 1953.

An Act to provide for taking over records maintained by the holders of lands or villages held on tenures which have been abolished by certain enactments in the State of Bombay.

WHEREAS it is expedient to provide for taking over records maintained by the holders of lands or villages held on tenures which have been abolished by certain enactments in the State of Bombay ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the **Bombay Land Tenures Abolition (Recovery of Records) Act, 1953.**

2. *Definitions.*—In this Act unless there is anything repugnant in the subject or context—

(1) "holder" means—

- (a) a taluqdar,
- (b) a watandar,
- (c) a vazifdar,
- (d) an estate-holder,
- (e) a mulgirasia,
- (f) an ankadedar,
- (g) a kaul-holder, or,
- (h) an inamdar,

as defined or referred to in the respective Land Tenure Abolition Acts and includes his heirs, assigns and legal representatives and also a person who for the time being is in possession of any land records on behalf of such holder.

(2) "Land Tenure Abolition Act" means an Act specified in the Schedule to this Act ;

(3) "land records" means records maintained by a holder in respect of the land or village held by him at any time before the abolition of the tenure on which such land or village was held ;

(4) "prescribed" means prescribed by rules made under this Act.

3. *Holder to deliver land records to State Government*—It shall be the duty of every holder to deliver, in the prescribed manner, within two months from the date of the commencement of this Act, all land records in his possession to the Collector or to such officer as may be appointed by the State Government in this behalf :

Provided that in the case of any holder, the Collector or the officer, as the case may be, may, for sufficient reasons, extend such period by a further period not exceeding two months.

4. *Power to make searches.*—If the Collector or the officer appointed under section 3 has reason to believe that any holder is not likely to deliver the land records as required by section 3 or is likely to destroy them or tamper with them, he may for the purpose of recovering such records, issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898 (V of 1898).

5. *Offence and penalty.*—If a holder fails to deliver land records in accordance with the provisions of section 3, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver land records, the holder shall be punished

with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

6 *Rules.*—The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

—
SCHEDULE.
(See section 2)

1. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).
2. The Bombay Pargana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950).
3. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).
4. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).
5. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).
6. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).
7. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).
8. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).
9. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).

—
The Bombay (Second Supplementary) Appropriation Act, 1953.

Received the assent of the Governor on the 13th October 1953 and was published in the *Bombay Government Gazette*, Part IV, dated the 14th October 1953.

Bombay Act No. LI of 1953.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty first day of March 1954

WHEREAS by virtue of Article 201 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954, and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1953.

2. *Issue of Rs 7,17,77,333 out of the Consolidated Fund of the State of Bombay for the year 1953-54.*—From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 7,17,77,333 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1954, in respect of the services and purposes specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1954.

*

*

*

*

[For the remaining portion see *Bombay Government Gazette*, Part IV, dated the 14th October 1953, pages 226 to 228. *Editor.*]

PART VI

ORISSA ACTS, ORDINANCES & REGULATIONS

The Mayurbhanj and Sundargarh Mining Settlements Regulation, 1952.

The following Regulation made by the Governor of Orissa under sub-paragraph (2) of paragraph 5 of the fifth schedule to the Constitution of India and assented to by the President on the 14th July 1952 was published in the *Orissa Gazette*, Extraordinary, dated the 19th July 1952.

Orissa Regulation No. II of 1952.

WHEREAS it is expedient to apply the Bihar and Orissa Mining Settlements Act, 1920 (B. and O Act IV of 1920), to the Scheduled Areas of Mayurbhanj and Sundargarh in the State of Orissa ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5, of the Fifth Schedule to the Constitution, the Governor of Orissa is pleased to promulgate the following Regulation made by him :—

1. *Short title and commencement.*—(1) This Regulation may be called the Mayurbhanj and Sundargarh Mining Settlements Regulation, 1952

(2) It shall come into force at once.

2. *Application of the Bihar and Orissa Mining Settlements Act, 1920.*—The Bihar and Orissa Mining Settlements Act, 1920 (B. and O Act IV of 1920), shall apply to the districts of Mayurbhanj and Sundargarh.

The Orissa Hindu Religious Endowments Act, 1951.

Orissa Act No. II of 1952.

TABLE OF CONTENTS

PREAMBLE CLAUSES

CHAPTER I

PRELIMINARY

1. Short title, extent, application and commencement

2. Power to extend Act to Jain or Buddhist institutions and endowments.

3. Definitions

CHAPTER II

POWERS AND DUTIES OF COMMISSIONER AND OTHERS

4. Authorities under the Act

5. State Government to appoint them

6. Commissioner, etc., to be Hindus
7. Powers and duties of Commissioner

8. Territorial jurisdiction and powers and duties of Deputy and Assistant Commissioners.

9. Power of Commissioner to call for records and pass orders

10. Other powers of Commissioner in relation to Deputy and Assistant Commissioners.

11. Officers and servants of Commissioner, their appointment and punishment

12. Power to enter religious institutions

13. Trustee bound to obey orders issued under the Act

14. Care required of trustee and his powers

15. Preparation of register for all institutions

16. Annual verification of the register

17. Trustee to furnish accounts, returns, etc.

18. Inspection of property and documents

19. Alienation of immovable trust property

20. Authority of trustee to incur expenditure for securing the health, safety or convenience of pilgrims and worshippers.

21. Enforcement of service or charity in certain cases

22. Power of trustee of math or temple over trustees of specific endowments

23. Enfranchisement or freeing of lands, etc., held by a devadasi on condition of service in a temple.

24. Resumption and regrant of inam granted for the performance of any charity or service connected with a math or temple in case of alienation of the inam or of failure to perform the charity or service.

25. Recovery of immovable trust property unlawfully alienated

26. Constitution of the Advisory Council

CHAPTER III

RELIGIOUS INSTITUTIONS OTHER THAN MATHS AND SPECIFIC ENDOWMENTS ATTACHED THERETO

27. Non hereditary trustees, their number and appointment

28. Power to suspend, remove or dismiss trustee

29. Disqualification of trustees

30. Filling up of vacancies in the office of hereditary trustee

31. Appointment of office holders and servants in religious institutions

32. Punishment of office holders and servants in religious institutions

33. Office holders and servants of temples not to be in possession of jewels or other valuable articles except under conditions

34. Fixing of standard scales of expenditure

CHAPTER IV

MATHS

35. Disqualification of hereditary trustees

36. Filling up of vacancies

37. Fixing of standard scales of expenditure

38. Appointment of manager of secular affairs of math

39. Appointment of successors by hereditary trustees

40. Constitution and power of the Tribunal

CHAPTER V

INQUIRIES

41. Assistant Commissioner to decide certain disputes and matters

42. Power of Assistant Commissioner to frame schemes

43. Cypres application of funds

44. Appeal

CHAPTER VI

NOTIFIED RELIGIOUS INSTITUTIONS

45. Issue of notice to show cause why institutions should not be notified

46. Consideration of objections, if any, and notification on institution

47. Scheme to lapse on notification

48. Appointment of salaried Executive Officer

49. Term of office and duties of Executive Officer

50. Removal of Executive Officer

51. Section 42 not to apply to notified institutions

CHAPTER VII

RELIGIOUS INSTITUTIONS UNDER

DIRECT CONTROL

52. Appointment of salaried Executive Officer

53. Term of office and duties of Executive Officer

54. Removal of Executive Officer

55. Fixing of standard scale of expenditure

56. Control of Collector, Assistant Commissioner and Endowment Commissioner

CHAPTER VIII

BUDGETS, ACCOUNTS AND AUDIT

57. Budget of religious institutions

58. Accounts and audit

59. Authority to whom the audit report is to be submitted

60. Contents of Audit Report

61. Rectification of defects disclosed in audit and order of surcharge against trustee.

62. Application of the provisions of this Chapter

CHAPTER IX

FINANCE

63. Religious institution to pay an annual contribution to the State Government

64. Recovery of costs and expenses incurred on legal proceedings
 65. Assessment and recovery of contributions and costs and expenses
 66. Contribution not to be levied for more than six years immediately preceding the year in which notice of assessment is issued.

CHAPTER X

MISCELLANEOUS

67. Public Officers to furnish copies of or extracts from certain documents
 68. Putting trustee or Executive Officer in possession
 69. Notice by Court and cost of proceedings
 70. Penalty for refusal by trustee to comply with provisions of the Act

71. Court fees to be paid as prescribed in Schedule I and altered from time to time.

72. Saving of established usages

73. Bar of suits in respect of administration of religious institution

74. Procedure and powers at inquiries under Chapters V and VI

75. Notifications, orders, etc., under Act not to be questioned in Court of Law

76. Power to make rule

77. Granting of copies

78. Suits and proceedings pending in Court

79. Repeal and effect of repeal of the Orissa Hindu Religious Endowments Act, 1939.

80. Power to remove difficulties

SCHEDULE I

The Orissa Hindu Religious Endowments Act, 1951.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the President on the 16th February 1952 [Vide Notification No. 1507-Legis., of the Law Department, dated the 22nd February, 1952 and was published in the *Orissa Gazette*, Extraordinary, dated the 27th February 1952.]

Orissa Act II of 1952

An Act to provide for the better administration and governance of Hindu religious institutions and endowments in the State of Orissa.

WHEREAS it is expedient to amend and consolidate the law relating to the administration and governance of Hindu religious institutions and endowments in the State of Orissa ;

It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent, application and commencement.*—(1) This Act may be called the Orissa Hindu Religious Endowments Act, 1951.

(2) It extends to the whole of the State of Orissa and applies to all Hindu public religious institutions and endowments.

Explanation I—In this sub-section Hindu public religious institutions and endowments do not include Jain or Buddhist public religious institutions and endowments but include Sikh public religious institutions and endowments.

Explanation II—Every institution shall be presumed to be public until the contrary is proved.

(3) It shall come into force on such date as the State Government may, by notification, direct.

2. *Power to extend Act to Jain or Buddhist institutions and endowments.*—The State Government may, by notification extend to any Jain or Buddhist public religious institution and endowment or to any public endowment of a charitable and religious institution all or any of the provisions of this Act and of any rules made thereunder, and may declare such extension to be subject to such restrictions and modifications as they think fit :

Provided that before issuing such notification, the State Government shall, publish in the Gazette a notice of their intention to do so, fix a period not exceeding three months from the date of publication of the notice for the persons interested in the institution and endowment concerned to show cause against the issue of such notification and consider their objections, if any.

3. *Definitions.*—In this Act unless there is anything repugnant in the subject or context—

(i) "Assistant Commissioner" means an Assistant Commissioner appointed under section 5 ;

(ii) "Commissioner" means, the Commissioner appointed under section 5 ;

(iii) "Collector" in any provision under this Act includes (a) any Deputy Collector who is specially empowered by the State Government to discharge any of the functions of a Collector under that provision and (b) any Deputy Collector to whom the Collector may, by general or special order, transfer any of his functions under that provision ;

(iv) "Court" means except as otherwise specified in the Act, the District Court within whose territorial limits the Commissioner exercises his jurisdiction or the religious institution or endowment is situated, or in the case of a specific endowment situated within the jurisdiction of more than one such Court, any one of such Courts ;

(v) "Deputy Commissioner" means a Deputy Commissioner appointed under section 5 ;

(vi) "hereditary trustee" means the trustee of a religious institution succession to whose office devolves by hereditary right since the time of the founder or is regulated by custom or is specifically provided for by the founder, so long as such scheme of succession is in force ;

Explanation I—A person chosen as a trustee by a community to administer a temple or specific endowment is not a hereditary trustee within the meaning of this clause.

Explanation II—An Arohaka, Pujari or any service holder shall not be deemed to be a hereditary trustee within the meaning of this clause.

(vii) "math" means an institution for the promotion of the Hindu Religion presided over by a person whose duty is to engage himself in spiritual service or who exercises or claims to exercise spiritual headship over a body of disciples and succession to whose office devolves in accordance with the directions of the founder of the institution or is regulated by custom and includes places of religious worship other than a temple and also places of instruction or places for the maintenance of Vidhyarthies or places for rendering charitable or religious services in general which are or may be appurtenant to such institution ;

(viii) "non-hereditary trustee" means a trustee who is not a hereditary trustee ;

(ix) "notified religious institution" means an institution notified by the State Government under section 45 ;

(x) "person having interest" means—

(a) in the case of a math, a disciple of the math or a person professing the Hindu religion or the Sikh faith to which the math belongs ;

(b) in the case of a temple, a person who visits or who is entitled to visit the temple for darsan of the deity or to attend at the performance of worship or service in the temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat, and in the case of a specific endowment, a person who visits or

who is entitled to attend at or is in the habit of attending the performance of the service or charity, or who is entitled to partake or is in the habit of partaking in the benefit of the charity ;

(xi) "prescribed" means prescribed by rules made by the State Government under this Act ;

(xii) "religious endowment" or "endowment" means all property belonging to, or given or endowed for the support of maths or temples or given or endowed for the performance of any service or charity connected therewith or of any other religious charity, and includes the institution concerned and the premises thereof and also all properties used for the purposes or benefit of the institution and includes all properties acquired from the income of the endowed property ;

Provided that gifts or immovable properties made as personal gifts to the hereditary trustee of a math or temple or the archaka, sevaka, service-holder or other employee of a religious institution shall not be so included, if the donee has been possessing and enjoying the same as a separate and distinct identity all along ;

Explanation I—Any jagir or inam granted to an archaka, service-holder or other employee of a religious institution for the performance of any service or charity in or connected with a religious institution shall not be deemed to be a personal gift to the said archaka, service-holder or employee but shall be deemed to be a religious endowment.

Explanation II—All property which belonged to or was given or endowed for the support of a religious institution, or which was given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity shall be deemed to be a "religious endowment" or "endowment" within the meaning of this definition, notwithstanding that, before or after the commencement of this Act, the religious institution has ceased to exist or ceased to be used as a place of religious worship or instruction, or the service or charity has ceased to be performed.

Explanation III—Where an endowment has been made or property given for the support of an institution which is partly of a religious and partly of a secular character or where an endowment made or property given is appropriated partly to religious and partly to secular uses, such endowment or property or the income therefrom shall be deemed to be a religious endowment and its administration shall be governed by the provisions of this Act.

Explanation IV—All properties coming into possession of the head of a math or a temple on the date of his succession to the said math or temple shall be presumed until the contrary is proved to be an endowment of the math or temple, as the case may be.

(xiii) "religious institution" means a math, a temple and endowments attached thereto or a specific endowment and includes an institution under direct management of the State Government ;

(xiv) "specific endowment" means any property or money endowed—

(a) for the performance of any specific service or charity in a math or temple, or

(b) for the performance of any other religious charity ; but does not include any jagir or inam of the nature described in Explanation I to clause (xii) ;

(xv) "temple" means a place by whatever designation known, used as a place of public religious worship and dedicated to, or for the benefit of, or used as of right by, the Hindu community, or any section thereof,

as a place of public religious worship and also includes any cultural institution or mandap or library connected with such a place of public religious worship ;

(xvi) "trustee" means a person, by whatever designation known, in whom the administration of a religious institution and endowment are vested, and includes any person or body who or which is liable as if such person or body were a trustee ;

(xvii) "year" means the financial year.

CHAPTER II

POWER AND DUTIES OF COMMISSIONER AND OTHERS

4. *Authorities under the Act.*—There shall be the following classes of authorities for carrying out the purposes of this Act, namely :—

- (a) The Commissioner ;
- (b) Deputy Commissioners ; and
- (c) Assistant Commissioners.

5. *State Government to appoint them.*—The State Government may, by notification, appoint a person, who professes the Hindu religion and who is a member of either judicial or administrative service or a retired member thereof, to be the Commissioner of endowments and they may further appoint such number of Deputy Commissioners and Assistant Commissioners as they think fit.

6. *Commissioner, etc., to be Hindus.*—The Commissioner, every Deputy Commissioner, or Assistant Commissioner, and every other officer or servant, appointed to carry out the purposes of this Act by whomsoever appointed, shall be a person professing the Hindu religion and shall cease to hold office as such when he ceases to profess that religion.

7. *Powers and duties of Commissioner*—(1) Subject to the provisions of this Act, the general superintendence of all religious institutions and endowments shall vest in the Commissioner.

(2) It shall be the duty of Commissioner to supervise the proper management of the secular affairs of religious institutions and the due performances of rituals, ceremonies and other religious observances in connection thereto.

(3) The Commissioner may do all things which are reasonable and necessary to ensure that the religious institutions and endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist

Explanation—The Commissioner shall have power to pass such interim orders as he deems necessary for the proper maintenance of a religious institution or the proper administration of a religious endowment including the power to pass such orders if and when necessary for the proper management of any institution when a dispute concerning the same is pending in a Court

8. *Territorial jurisdiction and powers and duties of Deputy and Assistant Commissioners.*—(1) The Commissioner shall, with the previous approval of the State Government, specify the area within which a Deputy Commissioner, if and when appointed, shall exercise the powers and discharge the duties assigned to him under this Act.

(2) The Commissioner may, with the previous approval of the State Government, divide the State into divisions, each of which, whether in whole or part, shall be in the charge of an Assistant Commissioner.

(3) An Assistant Commissioner shall exercise such powers and discharge such duties as are assigned to him by or under this Act in respect of his division :

Provided that the Commissioner may, by order in writing, declare that the exercise of all or any of such powers and discharge of all or any of such duties shall be subject to such exceptions, limitations and conditions as may be specified in the order, and may himself exercise or discharge any power or duty so excepted.

(4) Subject to such restrictions and control as the State Government may, by general or special order, lay down, the Commissioner may delegate to a Deputy Commissioner, or an Assistant Commissioner, or delegate to the Collector of a district, any of his powers and duties, or the powers and duties of a Deputy Commissioner or an Assistant Commissioner, as the case may be, under this Act subject to such limitations and conditions, if any, as may be specified in the order of delegation.

9. *Power of Commissioner to call for records and pass orders.*—(1) The Commissioner may call for and examine the record of any Deputy or Assistant Commissioner in respect of any proceeding under this Act to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed thereon; and if in any case it appears to the Commissioner that any such decision or order shall be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly :

Provided that the Commissioner shall not pass any order prejudicial to any party without hearing him or giving him a reasonable opportunity of being heard :

Provided further that in cases where an appeal lies under this Act, no proceedings by way of revision shall be entertained by the Commissioner at the instance of a person who could have appealed.

(2) The Commissioner may stay the execution of any such decision or order, pending the exercise of his power under sub-section (1) in respect thereof.

10. *Other powers of Commissioner in relation to Deputy and Assistant Commissioners.*—(1) The Commissioner shall have power at any stage to transfer any proceeding pending before a Deputy or Assistant Commissioner to his own file and dispose of it himself, or to transfer it to another Deputy or Assistant Commissioner for disposal.

(2) If the Commissioner is satisfied that a Deputy or an Assistant Commissioner has failed to exercise any power or discharge any duty which he ought to have exercised or discharged, the Commissioner may himself exercise such power or discharge such duty.

(3) Notwithstanding anything contained in this Act, where no Deputy or Assistant Commissioner has been appointed for any area or where the office of a Deputy or an Assistant Commissioner is vacant, the Commissioner may, in such area, exercise the powers and discharge the duties assigned by or under this Act to a Deputy or an Assistant Commissioner, or authorise another Deputy Commissioner or Assistant Commissioner to exercise the said powers and discharge the said duties until a Deputy or an Assistant Commissioner is appointed for such area or until the vacancy in the office is filled, as the case may be.

(4) Any party aggrieved by an order of the Commissioner under sub-section (1), (2) or (3) may appeal to the State Government within such time as may be prescribed, and on such appeal, the State Government may pass an order confirming, modifying or cancelling the order of the Commissioner :

Provided that the State Government shall not pass any order prejudicial to a party without hearing him or giving him a reasonable opportunity of being heard.

11. Officers and servants of Commissioner, their appointment and punishment.—(1) The State Government may, from time to time, determine the number, designations, grades and scales of salary or other remuneration of the officers and servants who may be required for the purpose of enabling the Commissioner to exercise his powers and discharge his duties under the Act.

(2) Subject to such control as may be prescribed the Commissioner shall have the power to appoint and transfer such officers and servants and may fine, reduce, suspend, remove or dismiss them for breach of rules of discipline, for carelessness, unfitness, neglect of duty or misconduct or other sufficient cause.

12. Power to enter religious institutions.—(1) The Commissioner, Deputy and Assistant Commissioners and such other officers as may be authorised by the Commissioner in this behalf, shall have power to enter the premises of any religious institution or any place of worship for the purpose of exercising any power conferred, or discharging any duty imposed, by or under this Act :

Provided that no such entry shall be made unless the officer having power to enter gives reasonable notice duly signed by him in this behalf.

(2) If any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not being below the rank of Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.

(3) Nothing in this section shall be deemed to authorise any person who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof.

13. Trustee bound to obey orders issued under the Act.—The trustee of a religious institution shall be bound to obey all orders issued under the provisions of this Act by the State Government, the Commissioner or the Deputy or Assistant Commissioner

14. Care required of trustee and his powers.—(1) The trustee of every religious institution is bound to administer its affairs and to apply its funds and properties in accordance with the terms of the trust, the usage of the institution and all lawful directions which a competent authority may issue in respect thereof and as carefully as a man of ordinary prudence would deal with such affairs, funds and properties as if they were his own.

(2) A trustee shall, subject to the provisions of this Act, be entitled to exercise all powers incidental to the provident and beneficial administration of the religious institution and to do all things necessary for the due performance of the duties imposed on him.

(3) A trustee shall not be entitled to spend the funds of the religious institution for meeting any costs, charges or expenses incurred by him in any suit, appeal or application or other proceeding for, or incidental to, his removal from office or the taking of any disciplinary action against him :

Provided that the trustee may reimburse himself in respect of such costs, charges or expenses if he is specifically permitted to do so by an order passed under section 69.

15. Preparation of register for all institutions.—(1) For every religious institution, there shall be prepared and maintained a register showing—

(a) the names of past and present trustees and particulars as to the custom, or the direction of the founder, if any, regarding succession to the office of trustee ;

(b) particulars of all endowments of the institution and all title-deeds and other documents including the properties standing in the name of the hereditary trustees relating thereto ;

(c) particulars of the scheme of administration and of the scale of expenditure ;

(d) the names of all offices to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case ;

(e) the jewels, gold, silver, precious stones, all vessels and utensils and other movables belonging to the institution with their estimated value ;

(f) particulars of the idols and other images in or connected with the institution, whether intended for worship or for being carried in processions ;

(g) such other particulars as may be required by the Commissioners.

(2) The register shall be prepared, signed and verified by the trustee of the institutions concerned or by his authorised agent and submitted by him to the Commissioner, in duplicate through the Assistant Commissioner, within one year from the commencement of this Act or from the founding of the institution, as the case may be, or within such further period not exceeding one year as may be allowed by the Commissioner :

Provided that each trustee shall be required to swear an affidavit that the list of properties both movable or immovable, owned by the institution and furnished, is exhaustive :

Provided further that this sub-section shall not apply where a register so signed and verified has been submitted to the Commissioner before the commencement of this Act.

(3) The Assistant Commissioner may, after such enquiry as he may consider necessary, recommend such alterations, omissions or additions in the register as he may think fit.

(4) The Commissioner may after receiving the register and the recommendations of the Assistant Commissioner with respect thereto and making such further inquiry, as he may consider necessary, direct the trustee to make such alterations, omissions or additions in the register as he may deem fit.

(5) The trustee shall carry out the orders of the Commissioner and then submit the register to the Commissioner for approval.

(6) A copy of the register as approved by the Commissioner shall be furnished to the trustee and to the Assistant Commissioner concerned.

16. Annual verification of the register.—(1) The trustee or his authorised agent shall scrutinise the entries in the register every year, or after such interval, as may be prescribed, and submit to the Commissioner for his approval, through the Assistant Commissioner, a verified statement showing the alterations, omissions or additions required in the register.

(2) The Commissioner may, thereupon, after such inquiry as he may consider necessary, direct what alterations, omissions or additions, if any, should be made in the register.

(3) A copy of the order made under sub-section (2) shall be furnished to the trustee and to the Assistant Commissioner concerned.

(4) The trustee shall carry out the alterations, omissions or additions ordered by the Commissioner in the copy of the register kept by him.

17. Trustee to furnish accounts, returns, etc.—The trustee of every religious institution shall furnish to the Commissioner or the Assistant Commissioner such accounts, returns, reports or other informations relating to the administration of the institution in his charge, its funds,

property or income or moneys connected therewith, or the appropriation thereof, as the Commissioner or the Assistant Commissioner may require, and at such time and in such form as he may direct.

18. *Inspection of property and documents.*—The Commissioner or Assistant Commissioner, or any officer or other person deputed by the Commissioner or Assistant Commissioner in this behalf, may inspect all movable and immovable property belonging to, and all records, correspondence, plans, accounts and other documents relating to, any religious institution; and it shall be the duty of the trustee of such institution and all officers and servants working under him, his agent and any person having concern in the administration thereof, to afford all such assistance and facilities as may be necessary or reasonably required in regard to such inspection, and also to produce any such movable property or document for inspection if so required.

19. *Alienation of immovable trust property.*—(1) No transfer by exchange, sale or mortgage and no lease for a term exceeding five years of any immovable property belonging to, or given or endowed for the purposes of, any religious institution, shall be made unless it is sanctioned by the Assistant Commissioner as being necessary or beneficial to the institution and no such transfer shall be valid or operative unless it is so sanctioned.

(2) If any such transfer took place prior to the commencement of this Act and has not been sanctioned under section 58 of the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939), the transferee shall be bound to make a written application within one year of such commencement for the necessary sanction of the Assistant Commissioner who shall, after making such enquiry as may be prescribed, either sanction or refuse to sanction any such transfer.

(3) All such transfers in respect of which either no applications are made or the sanction is refused under sub-section (2) shall be void and be deemed to have conferred no valid title on the transferee and any possession prior to the commencement of this Act by the transferee shall be construed as merely permissible.

(4) In according such sanction, the Assistant Commissioner may declare it to be subject to such conditions and directions as he may deem necessary regarding the utilization of the amount raised by the transaction, the investment thereof and in the case of a mortgage, regarding the discharge of the same within a reasonable period.

(5) The trustee or any person having interest may, within one month from the date of the receipt of the order by the trustee, appeal to the Commissioner to modify or set aside an order under the foregoing provisions.

(6) The Commissioner may, in case he is satisfied that the interest of any institution has suffered by the transaction, on his own motion or on the representation of any person interested, review the order passed by the Assistant Commissioner.

20. *Authority of trustee to incur expenditure for securing the health, safety or convenience of pilgrims and worshippers.*—(1) The trustee of a religious institution may, out of the funds in his charge, after satisfying adequately the purposes of the institution, incur expenditure on arrangements for securing the health, safety or convenience of disciples, training of Vidyarthies or for securing the health and safety of pilgrims or worshippers resorting to the institution.

(2) In incurring such expenditure the trustee shall be guided by such

general or special instructions as may be given by the Commissioner or the Assistant Commissioner.

21. Enforcement of service or charity in certain cases.—(1) Where a specific endowment attached to a math or temple consists merely of a charge on property and there is failure in the due performance of the service or charity, the trustee of the math or temple concerned may require the person in possession of the property on which the endowment is a charge to pay the expenses incurred or likely to be incurred in causing the service or charity to be performed otherwise. In default of such person making payment as required, the Assistant Commissioner may, on the application of the trustee and after giving the person in possession a reasonable opportunity of stating his objections in regard thereto, by order, determine the amount payable to the trustee.

(2) Where the person in possession of the property on which the endowment is a charge is not the person responsible in law for the performance of the service or charity and any amount is paid by or recovered from the person in possession, the Assistant Commissioner may, on the application of the person in possession and after giving the person responsible in law a reasonable opportunity of stating his objections in regard thereto, by order, require the person responsible in law to pay to the person in possession the amount so paid or recovered.

(3) Against an order of the Assistant Commissioner under sub-section (1) or sub-section (2) the trustee or the person affected may, within one month of the date of the receipt of the order by him, appeal to the Commissioner who may modify or cancel the same.

(4) On application by the trustee to the Collector of the district in which the property referred to in sub-section (1) is situated, or on application by the person in possession to the Collector of the district in which is situated any property of the person responsible in law, as the case may be, the Collector shall recover from the person in possession, or the person responsible in law, as the case may be, the amount specified in the order of the Assistant Commissioner as modified by the order of the Commissioner, if any, and the expenses of such recovery, as if they were arrears of land revenue, and pay to the trustee or, as the case may be, to the person in possession, the amount due to him.

22. Power of trustee of math or temple over trustees of specific endowments.—The trustee of a specific endowment made for the performance of any service or charity connected with a math or temple shall perform such service or charity subject to the general superintendence of the trustee of the math or temple and shall obey all lawful orders issued by him.

23. Enfranchisement or freeing of lands, etc., held by a devadasi on condition of service in a temple.—(1) (a) (i) Where the remuneration for any service to be performed by a devadasi in a temple consists of lands granted or continued in respect of, or annexed to, such service by the Government, the State Government shall enfranchise the said lands from the condition of service by the imposition of quit-rent.

(ii) Where the remuneration for such service consists of an assignment of land revenue so granted or continued, the State Government shall enfranchise such assignment of revenue from the condition of service:

Provided that where, at the time when proceedings are taken under this sub-clause, the devadasi is herself the owner of the lands in respect of which the assignment of revenue has been made, enfranchisement shall be effected and quit-rent imposed in the manner laid down in sub-clause (i).

(iii) Where the remuneration for such service consists in part of lands and in part of an assignment of land revenue, enfranchisement of the lands shall be effected in the manner laid down in sub-clause (i) and of the assignment of the land revenue in the manner laid down in sub-clause (ii).

Explanation.—For the purposes of this clause, a grant shall be deemed to consist of an assignment of land revenue in all cases in which the devadasi herself is not, at the time specified in the proviso to sub-clause (ii), the owner of the lands in question.

(b) Enfranchisement under clause (a) shall be effected in accordance with such rules as the State Government may make in this behalf and shall take effect as and from such date as they may fix.

(2) Where the remuneration for such service consists, in whole or in part, of lands or of produce of lands not falling under sub-section (1), the State Government shall direct the Collector to determine the amount of rent payable on the lands or the produce in question. The Collector shall, thereupon, after giving notice to the party concerned and holding such enquiry as may be prescribed by the State Government, by an order, determine the amount of rent, and in doing so, he shall have due regard to—

(a) the rent payable by the tenant for lands of a similar description and with similar advantages in the same village or neighbouring villages; and

(b) the improvements, if any, effected by the devadasi in respect of the lands.

Such order shall be communicated to the parties concerned and also published in the manner prescribed.

(3) The amount of rent fixed by the Collector under sub-section (2) may be questioned by petition presented to the Board of Revenue within three months of the date of the publication of the order under the said sub-section but subject to the result of such petition the order of the Collector fixing the amount of rent under sub-section (2) shall be final and shall not be liable to be questioned in any Court of Law:

Provided, however, that the Board of Revenue shall have power on sufficient grounds to entertain a petition presented after expiration of the period of three months.

(4) While determining the rent under sub-section (2) the Collector shall fix a date from which the order shall take effect and such lands or produce shall be deemed to have been freed from the condition of service as and from the date so fixed.

(5) No obligation to render any service relating to any temple to which any devadasi may be subject by reason of any grant of land or assignment of land revenue or produce derived from the land, shall be enforceable when such land, assignment or produce is enfranchised or freed, as the case may be, in the manner hereinbefore provided.

(6) No order passed under sub-section (1) (2) or (3) shall operate as a bar to the trial of any suit or issue relating to the right to enjoy the land or assignment of land revenue or produce derived from the land, as the case may be.

(7) (a) The quit rent imposed under sub-section (1) shall be payable to the temple concerned.

(b) The assignment of land revenue enfranchised under sub-section (1) or the rent fixed under sub-sections (2) and (3), as the case may be, shall be payable to the devadasi concerned during her life time and after her death to the temple concerned.

(8) For the purpose of this section 'Devadasi' shall mean any Hindu unmarried female, who is dedicated to a temple.

(9) Where any inam is granted for a service which is auxiliary to the service to be performed by a devadasi in a temple, such inam shall be enfranchised or freed from the condition of service as if it were a devadasi inam ; and the provisions of sub-sections (1) to (8) shall apply accordingly.

24. *Resumption and regrant of inam granted for the performance of any charity or service connected with a math or temple in case of alienation of the inam or of failure to perform the charity or service.*—(1) Any exchange, gift, sale or mortgage and any lease for a term exceeding five years, of the whole or any portion of any inam or jagir granted for the support or maintenance of a religious institution or for the performance of a charity or service connected therewith or of any other religious charity made, confirmed or recognized by the State Government shall be null and void.

(2) (a) The Collector may, on his own motion, or on the application of the trustee of the religious institution or of the Commissioner or the Assistant Commissioner or of any person having interest in the institution who has obtained the consent of such trustee or the Commissioner, by order, resume the whole or any part of any such inam or jagir on one or more of the following grounds, namely :—

(i) that the trustee of the institution or the holder of such inam or jagir or part, as the case may be, has made an exchange, gift, sale or mortgage of such inam or part or any portion thereof or has granted a lease of the same or any portion thereof for a term exceeding five years ; or

(ii) that the religious institution has ceased to exist or the charity or service in question has in any way become impossible or incapable of performance ; or

(iii) that the holder of such inam or jagir or part has failed to perform or make the necessary arrangements for performing, in accordance with the custom or usage, the charity or service for performing which the inam had been made, confirmed or recognized as aforesaid, or any part of the said charity or service, as the case may be ; or

(iv) that such service is no longer required.

When passing an order under this clause, the Collector shall determine whether such inam or jagir or the inam comprising such part, as the case may be, is a grant of both the landlord's interest and the ryot's interest or only of the landlord's interest :

Provided that in the absence of evidence to the contrary, the Collector shall presume that any minor inam is a grant of both the landlord's interest and the ryot's interest.

(b) Before passing an order under clause (a), the Collector shall give notice to the trustee, to the Commissioner, to the Assistant Commissioner, to the inamdars concerned or where only a part of the inam is affected, to the holder of such part as well as to holder or holders of the other part or parts and to the alienee, if any, of the inam, hear their objections if any, and hold such inquiry as may be prescribed.

(c) A copy of every order passed under clause (a) shall be communicated to each of the persons mentioned in clause (b) and shall also be published in the manner prescribed.

(d) (i) Any party aggrieved by an order of the Collector under clause (a) may appeal to the Collector of the district within such time as may be prescribed and on such appeal the Collector of the district may, after giving notice to the Commissioner and each of the persons mentioned in

clause (b) and after holding such inquiry as may be prescribed, pass an order confirming modifying or cancelling the order of the Collector.

(ii) The order of the Collector of the district on such appeal, or the order of the Collector under clause (a) where no appeal is preferred under sub-clause (i) to the district Collector within the time prescribed, shall be final :

Provided that where there has been an appeal under sub-clause (i) and it has been decided by the Collector of the district or where there has been no appeal to the Collector of the district and the time for preferring an appeal has expired, any party aggrieved by the final order of the Collector of the district or the Collector, as the case may be, may file a suit in the Civil Court for determining whether that inam comprises both landlord's interest and the ryot's interest or only the landlord's interest. Such a suit shall be instituted within one year from the date of the order of the Collector of the district on appeal where there has been an appeal under sub-clause (i) or from the date of the expiry of the period prescribed under sub-clause (i) for an appeal to the Collector of the district in a case where there has been no appeal.

(e) Except as otherwise provided in clause (d), an order of resumption passed under this section shall not be liable to be questioned in any Court of Law.

(f) Where any inam or part of any inam is resumed under this section, the Collector or the Collector of the district, as the case may be, shall by order, regrant such inam or part—

(i) as an endowment to the religious institution concerned, or

(ii) in case of a resumption on the ground that the religious institution has ceased to exist or that the charity or service in question has in any way become impossible or incapable of performance, as an endowment for appropriation to such religious, educational or charitable institution as the Commissioner may recommend.

(g) The order of regrant made under clause (f) shall, on application made to the Collector within the time prescribed, be executed by him in the manner prescribed.

(h) Nothing in this section shall affect the operation of section 23.

25. *Recovery of immovable trust property unlawfully alienated.*—In case of any alienation, in contravention of section 19 of this Act or section 58 of the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939), of any immovable property belonging to or given or endowed for the purpose of any religious institution, the Commissioner after summary enquiry as may be prescribed and on being satisfied that any such property has been so alienated may send requisition to the Collector of the district to deliver possession of the same to the trustee of the institution or a person discharging the functions of the said trustee. The Collector in exercising his powers under this section shall be guided by rules, made under the Act. Any person aggrieved by the order of the Collector may institute a suit in the Civil Court to establish his right.

26. *Constitution of the Advisory Council.*—(1) There shall be constituted an Advisory Council consisting of not less than five members of whom one shall be the Chairman. The Chairman and the members shall be appointed by the State Government and they shall have such qualifications as may be prescribed.

(2) It shall be the duty of the advisory Council to advise the State Government or the Commissioner on such matters including the following as may be referred to it namely :—

(a) in the matter of conduct of all affairs of the religious institution within the meaning of this Act in general ;

(b) as to the existence of religious customs, usages, rituals prevailing in any religious institution ;

(c) in matters of appointment or recognition of successors to the office of hereditary trustees of maths and temples ;

(d) in matters of removal or dismissal of hereditary trustees of maths or temples.

CHAPTER III

RELIGIOUS INSTITUTIONS OTHER THAN MATHS AND SPECIFIC ENDOWMENTS ATTACHED THERETO

27. *Non-hereditary trustees, their number and appointment.*—(1) The Assistant Commissioner shall, in cases where there is no hereditary trustee, appoint non-hereditary trustee in respect of each religious institution other than maths and specific endowments attached thereto and in making such appointments, the Assistant Commissioner shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the said institution is chiefly maintained.

(2) A non-hereditary trustee shall hold office for such period not exceeding five years as may be fixed by the Assistant Commissioner unless in the meanwhile the trustee is removed or dismissed or his resignation is accepted by the Assistant Commissioner, or he otherwise ceases to be a trustee.

(3) Every non-hereditary trustee lawfully holding office at the commencement of this Act shall be deemed to have been duly appointed trustee under this Act for a period of one year from such commencement unless the tenure of his office had already expired and been extended, and an order under sub-section (1) is passed in his case.

28. *Power to suspend, remove or dismiss trustees.*—(1) The Commissioner or the Assistant Commissioner, as the case may be, may suspend, remove or dismiss the trustee, whether hereditary or non-hereditary, of such a religious institution—

(a) for persistent default in the submission of budgets, accounts, reports or returns or in payment of contribution or other dues payable to Government ;

(b) for wilful disobedience of any order issued under the provisions of this Act by the State Government or the Commissioner, Deputy Commissioner or Assistant Commissioner ;

(c) for any malfeasance, misfeasance, breach of trust or neglect of duty in respect of the trust or alienation of the trust property in contravention of the Act ;

(d) for any misappropriation of, or improper dealing with, the properties of the institution of which he is trustee ;

(e) for unsoundness of mind or other mental or physical defect or infirmity which makes him unfit for discharging the functions of a trustee ; or

(f) for continued absence without the permission of the Commissioner for a period of six months from the jurisdiction of the Court within which the temple is situated.

(2) When it is proposed to take action under sub-section (1), the Commissioner or the Assistant Commissioner, as the case may be, shall frame charges against the trustee concerned and give him an opportunity of meeting such charge, of testing the evidence adduced against him and of adducing evidence in his favour ; and the order of suspension, removal

or dismissal shall state the charges framed against the trustee, his explanation and the finding on each charge with the reasons therefor.

(3) Pending the disposal of the charges framed against the trustee, the Commissioner or the Assistant Commissioner may place the trustee under suspension and appoint a fit person to discharge the functions of the trustee.

(4) A trustee, who is suspended, removed or dismissed by an Assistant Commissioner under sub-section (1), may within one month from the date of the receipt of the order of suspension, removal or dismissal, appeal to the Commissioner against such order in the prescribed manner and the Commissioner shall pass such orders on the appeal as he may think fit:

Provided that no appeal shall be entertained unless the person affected by the order complies with it and makes over charges of his office or unless such a condition is waived by the Commissioner at his discretion.

29. Disqualification of trustees.—A trustee shall cease to hold his office if he—

(a) is sentenced by a Criminal Court to transportation or to imprisonment for a period of more than six months, for an offence involving moral turpitude, such sentence not having been cancelled or reduced to a period of six months or less, or the offence not having been pardoned; or

(b) applies to be adjudicated or is adjudicated insolvent.

30. Filling up of vacancies in the office of hereditary trustee.—(1) When a permanent vacancy occurs in the office of the hereditary trustee of a religious institution, the next in the line of succession shall be entitled to succeed to the office.

(2) When a temporary vacancy occurs in such an office by reason of the suspension of the hereditary trustee under sub-section (1) of section 28 or by reason of his ceasing to hold office under the provisions of section 29, the next in the line of succession shall be appointed to discharge the functions of the trustee until his disability ceases.

(3) When a permanent or temporary vacancy occurs in such an office and there is a dispute respecting the right of succession to the office, or when such vacancy cannot be filled up immediately or when a hereditary trustee is minor and has no legally constituted guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as such guardian, the Assistant Commissioner may, subject to the control of the Commissioner, appoint a fit person to discharge the functions of the trustee of the institution until the disability of the hereditary trustee ceases or another hereditary trustee succeeds to the office or for such shorter term as the Assistant Commissioner may direct. The Assistant Commissioner shall have power to remove such interim trustee for the reasons specified in section 28.

Explanation.—In making any appointment under this sub-section the Assistant Commissioner or the Commissioner, as the case may be, shall have due regard to the claims of members of the family, if any, entitled to the succession.

(4) Any person affected by an order of the Assistant Commissioner under sub-section (3) may, within one month from date of the communication of the order to him, appeal to the Commissioner. The order of the Commissioner shall be final.

31. Appointment of office-holders and servants in religious institutions.—(1) Vacancies, whether permanent or temporary, amongst the

office-holders or servants of a religious institution shall be filled up by the trustee in cases where the office or service is not hereditary.

(2) In cases where the office or service is hereditary the next in the line of succession shall be entitled to succeed.

(3) Where however there is a dispute respecting the right of succession, or

where such vacancy cannot be filled up immediately, or

where the person entitled to succeed is a minor without a legally constituted guardian fit and willing to act as such, or

where the hereditary office-holder or servant is suspended from his office under sub-section (1) of section 32 ;

the trustee may appoint a fit person to discharge the functions of the office or perform the service, until the disability of the office-holder or servant ceases or another person succeeds to the office or service as the case may be.

Explanation.—In making any appointment under this sub-section, the trustee shall have due regard to the claims of members of the family, if any, entitled to the succession.

(4) Any person affected by an order of the trustee under sub-section (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Assistant Commissioner whose order shall be final :

Provided that no appeal shall be entertained unless the person affected by the order complies with it and makes over charge of his office or unless such a condition is waived by the Commissioner at his discretion.

32. Punishment of office-holders and servants in religious institutions.—(1) All office-holders and servants attached to a religious institution or in receipt of any emolument or perquisite from the institution shall, whether the office or service is hereditary or not, be controlled by the trustee ; and the trustee may fine, suspend, remove or dismiss any of them for breach of trust, incapacity, disobedience of orders, neglect of duty, misconduct or other sufficient cause.

(2) Any office-holder or servant punished by a trustee under sub-section (1) may, within one month from the date of the communication of the order to him, appeal to the Assistant Commissioner whose order shall be final.

(3) If any such office-holder or servant against whom an order, fine, suspension, removal or dismissal has been made by the trustee or the Assistant Commissioner, as the case may be, disobeys such order, he shall, unless he shows reasonable cause to the satisfaction of the Commissioner to the contrary, be liable to pay to the State Government within such date as may be specified in the order such penalty not exceeding five hundred rupees and in case of default a daily fine not exceeding fifty rupees. The penalty to be paid by such person shall in no case be paid from the fund of the institution concerned.

(4) If such penalty is not paid within the time fixed or within such further time as may be granted by the Commissioner, the Collector of the district, in which any property of the person against whom an order is made under sub-section (3) is situated, shall, on a requisition made to him by the Commissioner, recover the amount as if it were an arrear of land revenue.

33. Office-holders and servants of temples not to be in possession of jewels or other valuable articles except under conditions.—No office-holder or servant of a temple shall have the right to be in possession of the jewels

or other valuable belongings to the temple except under such conditions and safeguards as the Commissioner may by general or special order direct.

34. Fixing of standard scales of expenditure.—(1) The trustee of a religious institution may, from time to time, submit to the Assistant Commissioner proposals fixing the scale of expenditure in the institution, and the amounts which should be allotted to the various objects or ceremonies connected with such institution or the proportion in which the income or other property of the institution may be applied to such objects or ceremonies.

(2) The trustee shall publish such proposals at the premises of the institution and in such other manner as the Assistant Commissioner may direct, together with a notice stating that, within one month from the date of such publication, any person having interest might submit his objections or suggestions to the Assistant Commissioner.

(3) After the expiry of the said period, the Assistant Commissioner shall, after considering any objections or suggestions received by him, pass such order as he thinks fit on such proposals having regard to the established usage of the institution and its financial position and communicate a copy of the order to the trustee.

(4) The trustee or any person having interest may, within one month from the date of the receipt of the order by the trustee, appeal against it to the Commissioner.

(5) The scale of expenditure for the time being in force in an institution shall not be altered by the trustee except in accordance with the procedure laid down in this section :

Provided that the Assistant Commissioner may at any time on his own motion, for sufficient cause, direct the trustee to modify the scale of expenditure.

(6) The trustee or any person having interest may within one month from the date of the receipt by the trustee of any direction issued under the proviso to sub-section (5) appeal against such direction to the Commissioner. The order of the Commissioner shall be final.

CHAPTER IV

MATHS

35. Disqualification of hereditary trustees.—(1) A hereditary trustee of a math shall be declared disqualified, and shall consequently cease to hold his office if, he—

(a) is of unsound mind ; or

(b) is suffering from any physical or mental disease or defect or infirmity which renders him unfit to be a trustee ; or

(c) has ceased to profess and practise Hindu religion or tenets of the math ; or

(d) is convicted for any offence involving moral turpitude or is unfitted by vice or bad character ; or

(e) has committed breach of trust in respect of any of the properties of the religious institution ; or

(f) persistently and wilfully defaults in discharging his duties or functions under this Act or any other law for the time being in force or in payment of contribution or other dues payable to Government ; or

(g) is declared incapable by a competent Court of managing or, unfitted to manage the math owing to his having entered upon a course of wasteful extravagance likely to dissipate the property of the math ; or

(h) is involved in habitual indebtedness ; or

(i) is not ordinarily residing in the math.

(2) The Assistant Commissioner shall, after such enquiry as may be prescribed, declare by an order in writing whether a trustee is disqualified either temporarily or for the life time under this section.

(3) Any person affected by the order of the Assistant Commissioner under sub-section (2) may within thirty days from the date of the receipt of the order by him appeal to the Commissioner. The decision of the Commissioner in this behalf shall not be called in question in any Court of Law.

(4) The hereditary trustee so disqualified may be allowed such maintenance as may be fixed by the Assistant Commissioner considering the financial condition of the institution and rules made in this behalf.

(5) If a trustee is declared disqualified under this section, it shall be the duty of the Commissioner, or the Assistant Commissioner, as the case may be, to appoint another person to discharge the functions of the trustee of the institution until such disability ceases. In making any appointment under this sub-section the Assistant Commissioner or Commissioner, as the case may be, shall have due regard to the claims of the next in line of succession and failing this of the disciples of the math.

36. Filling up of vacancies.—(1) When a vacancy occurs in the office of the trustee of a math or specific endowment attached to a math except as provided in the preceding section and there is a dispute respecting the right of succession to such office, or

when such office cannot be filled up immediately or when the trustee is a minor and there is no recognised guardian willing to act as such or when there is a dispute respecting the person who is entitled to act as such guardian,

the Assistant Commissioner, after being satisfied that an arrangement for the administration of the math and its endowment or of the specific endowment, as the case may be, is necessary shall, subject to the control of the Commissioner, make such appointment and arrangements as he thinks fit until the dispute is settled or another trustee succeeds to the office, as the case may be. The Assistant Commissioner may also remove such interim trustee for the reasons specified in section 28.

(2) In making any appointment under sub-section (1) the Commissioner or Assistant Commissioner, as the case may be, shall have due regard to the claims of the disciples of the math, if any, or

in the absence of any such disciples of the math claims of one of the allied or as far as possible closely connected maths shall be taken into consideration.

37. Fixing of standard scales of expenditure.—(1) The trustee of every math or specific endowment attached to a math may, from time to time, submit to the Assistant Commissioner proposals for fixing the scale of expenditure in the institution, and the amounts which should be allotted to the various objects or ceremonies connected with the institution or the proportions in which the income or other property of the institution may be applied to such objects or ceremonies

(2) The trustee shall publish such proposals at the premises of the math and in such other manner as the Assistant Commissioner may direct, together with a notice stating that, within one month from the date of such publication, any person having interest may submit suggestions to him.

(3) If, on a scrutiny of such proposals and any suggestions made by persons having interest, the Assistant Commissioner is of opinion that the scale of expenditure or any item in the scale of expenditure is at

variance with the established usages of the institution or for sufficient reasons needs modification, the Assistant Commissioner may call for an explanation from the trustee and after considering the same, may pass such order as he thinks fit on such proposals and communicate a copy of the order to the trustee.

(4) The trustee or any person having interest may, within one month from the date of receipt by the trustee of any order under the foregoing provision, appeal against such decision to the Commissioner.

38. *Appointment of manager of secular affairs of math.*—(1) For the administration of the secular affairs of a math, the trustee of the math shall, when so required by the Commissioner, appoint a competent person as manager and report the name of person so appointed to the Commissioner and in default of such appointment the Commissioner may himself make the appointment.

(2) The manager appointed under sub-section (1) shall be subordinate to the trustee of the math and shall, in addition to the trustee, be responsible for the due submission of the registers, accounts and budgets of the math, to the Commissioner and also for the performance of other statutory duties imposed upon the trustee by or under this Act.

39. *Appointment of successors by hereditary trustees.*—When the hereditary trustee of a math nominates his successor he shall give intimation in writing to the Commissioner. Subsequent changes in the nomination may also be intimated within three months of the nomination. For purpose of succession the last nominee so intimated shall be recognised by the Commissioner. If no appointment is made during life time of the trustee, the Commissioner shall have full power to appoint an Executive Officer and the trust shall be brought under the direct control of the Commissioner and shall be treated as an institution under Chapter VII. In making this appointment the Commissioner shall have due regard to the custom and usage and tenets of the math. Any person affected by decision may within three months from the date of the decision prefer an appeal before the Tribunal constituted under section 40 for the purpose but pending the result of such appeal the order of the Commissioner shall be final.

40. *Constitution and power of the Tribunal.*—(1) For the purpose of hearing appeals against the order of the Commissioner or the Assistant Commissioner under section 39 and sub-section (2) of section 41 of the Act there shall be constituted a Tribunal consisting of the Commissioner of endowments, a district Judge and a member of the Orissa Administrative Service.

(2) The Tribunal so constituted shall have powers of a Civil Court and its decision on appeal shall not be questioned in any Court of Law.

CHAPTER V

INQUIRIES

41. *Assistant Commissioner to decide certain disputes and matters.*—

(1) In case of a dispute the Assistant Commissioner shall have power to enquire into and decide the following disputes and matters:—

- (a) whether an institution is a public religious institution;
- (b) whether an institution is a temple or a math;
- (c) whether a trustee holds or held office as a hereditary trustee;
- (d) whether any property or money is of a religious endowment or specific endowment;

(e) whether any person is entitled, by custom or otherwise, to any honour, emolument or perquisite in any religious institution and what the established usage of a religious institution is in regard to any other matter;

(f) whether any institution or endowment is wholly or partly of a religious or secular character, and whether any property or money has been given wholly or partly for religious or secular uses ; and

(g) where property or money has been given for the support of an institution or the performance of a charity, which is partly of religious and partly of a secular character or when any property or money given is appropriated partly to religious and partly to secular uses, as to what portion thereof shall be allocated to religious uses :

Provided that the burden of proof in all the disputes or matters covered by clauses (a) and (e) above shall lie on the person claiming relief :

Provided further that in respect of disputes or matters relating to clauses (a) and (c) the cases shall be instituted within a period of three years from the date of the commencement of this Act.

(2) An appeal against the order of the Assistant Commissioner in matters of disputes relating to clauses (a) and (c) of sub-section (1) shall lie to the Tribunal constituted under section 40.

42. Power of Assistant Commissioner to frame schemes.—(1) When the Assistant Commissioner has reason to believe that in the interests of the proper administration of a religious institution a scheme should be settled for it, or when not less than five persons having interest make an application in writing, stating that in the interests of the proper administration of a religious institution a scheme should be settled for it, the Assistant Commissioner shall consult in the prescribed manner the trustee and the persons having interest, and if, after such consultation, he is satisfied that it is necessary or desirable to do so, he shall, by order, frame a scheme of administration for the institution.

(2) A scheme settled under sub-section (1) for a temple or specific endowment may contain provision for—

(a) fixing the number of non-hereditary trustees ;

(b) removing any existing trustee, whether hereditary or non-hereditary :

Provided that where provision is made in the scheme for the removal of a hereditary trustee, provision shall also be made therein for the appointment as trustee of the person next in succession who is qualified ;

(c) appointing a new trustee or trustees in addition to, or in the place of, any existing trustee or trustees ;

(d) defining the powers and duties of the trustee or trustees ;

(e) appointing, or directing the appointment of, a paid Executive Officer, who shall be a person professing the Hindu religion, on such salary as may be fixed to be paid out of the funds of the institution ; and defining the powers and duties of such trustee or officer :

Provided that the Executive Officer so appointed shall, for purposes of section 68 be deemed to be a person appointed to discharge the functions of a trustee under this Act ;

(f) appointing an Advisory Board where necessary in respect of institution where an Executive Officer is appointed as may be prescribed.

(3) A scheme settled under sub-section (1) for a math may contain provision for—

(a) appointing or directing the appointment of a paid Executive Officer, who shall be a person professing the Hindu religion, on such salary as may be fixed to be paid out of the trust funds, and defining the powers and duties of such officer :

Provided that the Executive Officer shall, for purposes of section 68, be deemed to be a person appointed to discharge the functions of a trustee under this Act :

Provided further that the Executive Officer so appointed may also be removed by the Assistant Commissioner for the reasons specified in section 28 subject to an appeal under section 44 ;

(b) defining the powers and duties of the trustee.

(4) The Assistant Commissioner may determine what the properties of the religious institution are and append to the scheme a Schedule containing a list of such properties.

(5) Pending the framing of a scheme for a temple or specific endowment, the Assistant Commissioner may appoint a fit person to discharge all or any of the functions of the trustee thereof and define his powers and duties.

(6) The Assistant Commissioner may, at any time, after consulting the trustee and the persons having interest, by order, modify or cancel any scheme settled under sub-section (1) or under the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939).

(7) Every order of the Assistant Commissioner settling, modifying or cancelling a scheme under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of section 44, be binding on the trustee, the Executive Officer and all persons having interest.

43. *Cypres application of funds.*—(1) The Assistant Commissioner may, on being satisfied that the purpose of a religious institution has from the beginning been, or has subsequently become, impossible or incapable of realisation, or that the machinery for effecting such purpose has failed or no longer exists, or that after providing adequately for the purposes of the institution and after setting apart a sufficient sum for the repair and renovation of the buildings connected therewith, there is a surplus which is not required for such purposes, by order, direct that the endowments of the institution or such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes not inconsistent with the objects of the institution :

Provided that, in the case of a temple founded and maintained by a community or a specific endowment attached to such a temple, the endowments or surplus shall, as far as possible, be utilised for the benefit of the community for the purposes mentioned above.

(2) It shall be competent to the Assistant Commissioner when giving a direction under sub-section (1) to determine what portion of such endowments or surplus shall be retained as a reserve fund for the religious institution and to direct the remainder to be appropriated to the purposes specified in that sub-section.

(3) The Assistant Commissioner may at any time by order modify or cancel any order passed under sub-section (1) or under the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939).

(4) The order of the Assistant Commissioner under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of section 44, be binding on the trustee, the Executive Officer and all persons having interest.

44. *Appeal.*— Any person aggrieved by an order passed by the Assistant Commissioner under this Chapter may, subject to the provision of sub-section (2) of section 41 within one month from the date of the publication of the order or on receipt thereof or the party concerned, as the case may be, appeal to the Commissioner.

CHAPTER VI

NOTIFIED RELIGIOUS INSTITUTIONS

45. *Issue of notice to show cause why institutions should not be noti-*

fied.—(1) Notwithstanding that a religious institution is governed by a scheme settled or deemed to be settled under this Act, where the Commissioner has reason to believe that such institution is being mismanaged and if satisfied that in the interest of the administration it is necessary to take proceedings under this Chapter, he may, by notice published in the prescribed manner, call upon the trustee and all other persons having interest to show cause why such institution should not be notified to be subject to the provisions of this Chapter.

(2) Such notice shall state the reasons for the action proposed and specify a reasonable time, not being less than one month from the date of the issue of the notice, for showing such cause.

(3) The trustee or any person having interest may thereupon prefer any objection he may wish to make to the issue of a notification as proposed.

(4) Such objection shall be in writing and shall reach the Commissioner before the expiry of the time specified in the notice aforesaid or within such further time as may be granted by the Commissioner.

46. Consideration of objections, if any, and notification on institution.—(1) Where no such objection has been received within the time so specified or granted, the State Government may, on receipt of a report from the Commissioner to that effect, by notification, declare the religious institution to be subject to the provisions of this Chapter.

(2) Where any such objections have been received within the time so specified or granted, the Commissioner shall hold an inquiry into the objections in the manner prescribed and decide whether the institution should be notified to be subject to the provisions of this Chapter or not.

(3) If the Commissioner decides that the institution should be notified as aforesaid, he shall make a report to that effect to the State Government who may thereupon, by notification, declare the religious institution to be subject to the provisions of this Chapter.

(4) The State Government may, at any time, on an application made to them, modify or cancel any notification issued under this section.

47. Scheme to lapse on notification.—On the publication of the notification, the scheme of administration, if any, settled for the religious institution whether before or after the commencement of this Act, and all rules, if any, framed under such scheme, shall cease to apply to it.

48. Appointment of salaried Executive Officer.—(1) For every institution notified under this Chapter the Commissioner shall as soon as may be, appoint a salaried Executive Officer, who shall be a person professing the Hindu religion.

(2) The salary and allowances of the Executive Officer, as determined by the Commissioner, shall be paid from the funds of the religious institution.

49. Term of office and duties of Executive Officer.—The Executive Officer shall hold office for such period as may be fixed by the Commissioner and he shall exercise such powers and perform such duties as may be assigned to him by the Commissioner :

Provided that in the case of a math only such powers and duties as appertain to the administration of its endowments shall be assigned to the Executive Officer.

(2) The Commissioner shall define the powers and duties which may be exercised and performed respectively by the Executive Officer and the trustee, if any, of the religious institution.

(3) The Executive Officer shall, for the purposes of section 63 be deemed to be a person appointed to discharge the functions of a trustee

under this Act.

(4) The Executive Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

50. *Removal of Executive Officer.*—The Commissioner may, for good and sufficient causes, suspend, remove or dismiss the Executive Officer.

51. *Section 42 not to apply to notified institutions.*—Section 42 shall not apply to such religious institutions as are notified under this Chapter.

CHAPTER VII

RELIGIOUS INSTITUTIONS UNDER DIRECT CONTROL

52. *Appointment of salaried Executive Officer.*—(a) For every institution or a group of institutions under the direct control of the State Government the Commissioner shall as soon may be appoint a salaried Executive Officer who shall be a person professing the Hindu religion.

(b) The salary and allowance of the Executive Officer as determined by the Commissioner shall be paid from the fund of the religious institutions concerned.

53. *Term of office and duties of Executive Officer.*—(a) The Executive Officer shall hold office for such period as may be fixed by the Commissioner and he shall exercise such powers and perform such duties as may be assigned to him by the Commissioner.

(b) The Commissioner shall define the powers and duties which may be exercised and performed by the Executive Officer

(c) The Executive Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

54. *Removal of Executive Officer.*—The Commissioner may, for good and sufficient causes, suspend, remove or dismiss the Executive Officer in the prescribed manner

55. *Fixing of standard scale of expenditure.*—(a) The Executive Officer shall after due enquiry submit proposals for fixing the scale of expenditure in the institution and the amounts which shall be allotted to the various objects or ceremonies connected with the institution or the proportions in which the income or other property of the institution may be applied to such objects and ceremonies.

(b) The Executive Officer shall publish the proposals at the premises of the institution and in any other manner as the Assistant Commissioner may direct together with the notice stating that within one month from the date of publication any person having interest may submit suggestions to the Commissioner.

(c) After expiry of the said period the Commissioner shall after considering the objections and suggestions received by him pass such order as he thinks fit on such proposals and communicate a copy of the order to the Executive Officer.

(d) The Collector may, for the purpose of control and supervision of the institution under direct control, exercise the powers of the Deputy Commissioner if he is specially empowered in this behalf by the Commissioner.

56. *Control of Collector, Assistant Commissioner and Endowment Commissioner.*—(1) In exercising his powers the Executive Officer shall act under the supervision of the Collector who shall be under general control of the Commissioner.

(2) The Executive Officer appointed under section 52 shall be deemed to be a trustee for purpose of sections 32 and 34 and Chapters VIII, IX and X.

CHAPTER VIII

BUDGETS, ACCOUNTS AND AUDIT

57. Budget of religious institutions.—(1) The trustee of every religious institution shall, before the end of December in each year, submit to the Assistant Commissioner in such form as may be fixed by the Commissioner, a budget showing the probable receipts and disbursements of the institution during the following financial year.

(2) Every such budget shall make adequate provision for—

(a) the scale of expenditure for the time being in force and in the case of a math, its other customary expenses ;

(b) the due discharge of all liabilities binding on the institution :

(c) the repair and renovation of the buildings connected with the institution ;

(d) expenditure on religious, educational and charitable purposes not inconsistent with the object of the institution not more than ten per centum of the gross income unless the Commissioner otherwise directs ;

(e) the maintenance of a working balance ;

(f) the amount of expenditure that may be incurred by the trustee under section 20.

(3) (a) The Assistant Commissioner may, on receipt of the budget, make such alterations, omissions or additions therein as may be prescribed.

(b) Notwithstanding anything contained in any other law for the time being in force or any custom or practice obtaining to the contrary, the provisions made for remuneration of the office-holder or any other item of expenditure of any institution may be increased, decreased, or modified by the Assistant Commissioner if such increase, decrease or modification is considered necessary in the interest of the financial condition of the institution whether hereditary or not.

(4) A trustee may, within one month of the date of the receipt by him of the order passed by the Assistant Commissioner under sub-section (3), appeal against such order to the Commissioner.

58. Accounts and audit.—(1) The trustee of every religious institution shall keep regular accounts of all receipts and disbursements.

(2) The accounts of every religious institution the annual income of which is calculated for the purpose of assessment of contribution for the year immediately preceding is two thousand rupees or more, shall be subject to annual audit. The accounts, of every other religious institution shall be audited in alternative years or if the Commissioner so directs in any case or classes of cases, at a shorter interval.

(3) The audit shall be made (a) in the case of religious institution the annual income of which exceeds ten thousand rupees, by Auditors appointed by Government in consultation with the Accountant-General and (b) in the case of any other religious institution by the special audit staff appointed by the Commissioner.

59. Authority to whom audit report is to be submitted—After completing the audit for any year or shorter period, or for any transaction or series of transactions, as the case may be, the Auditor shall send a report to the Commissioner sending a copy thereof to the Assistant Commissioner.

60. Contents of Audit Report.—(1) The Auditor shall specify in his report all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the religious institution, or of loss or waste of money or other property thereof, caused by neglect or misconduct.

(2) The Auditor shall also report on any other matter relating to the accounts as may be prescribed, or on which the Commissioner or the Assistant Commissioner concerned, may require him to report.

61. Rectification of defects disclosed in audit and order of surcharge against trustee.—(1) The Commissioner shall send a copy of every audit report relating to the accounts of a religious institution to the trustee thereof, and it shall be the duty of such trustee to remedy any defects or irregularities pointed out by the Auditor and report the same to the Assistant Commissioner.

(2) The Assistant Commissioner shall forward to the Commissioner a copy of every audit report received by him under section 59 and the report, if any, of the trustee made under sub-section (1), together with such remarks as the Assistant Commissioner may wish to make thereon.

(3) If, on a consideration of the report of the Auditor along with the report, if any, of the trustee the Assistant Commissioner thinks that the trustee or any employee of the institution concerned with the management of the trust property was guilty of misappropriation or wilful waste of the funds of the institution or of gross neglect resulting in a loss to the institution, he may, after giving notice to the trustee to show cause why an order of surcharge should not be passed against him and after considering his explanation, if any, by order, certify the amount so lost and direct the trustee or the employee concerned to pay such amount personally, within a specified time.

(4) The Assistant Commissioner shall forward a copy of the order under sub-section (3) with the reasons for the same, by registered post, to the trustee concerned.

(5) The trustee aggrieved by such order may, within one month of the receipt of the order, appeal to the Commissioner to modify or set aside the order, and the Commissioner after taking such evidence as is necessary may pass such orders thereon as he may deem fit.

(6) The sum specified in the order of surcharge shall be paid within the time specified in such order, unless the trustee has appealed to the Commissioner to modify or set aside the order and has obtained an order for stay.

(7) An order of surcharge under this section against a trustee shall not bar a suit for accounts against him except in respect of the matter finally dealt with by such order.

(8) The Collector of the district, in which any property of the trustee or the employee is situated from whom an amount by way of surcharge is recoverable, shall on a requisition made by the Commissioner, recover such amount as if it were an arrear of land revenue and pay the same to the religious institution concerned.

62. Application of the provisions of this Chapter.—The provisions of this Chapter shall apply to every religious institution, notwithstanding anything to the contrary contained in any scheme settled or deemed to be settled under this Act.

CHAPTER IX

FINANCE

63. Religious institution to pay an annual contribution to the State Government.—(1) In respect of the services rendered by the State Government and their officers, every religious institution having an income exceeding two hundred and fifty rupees shall, from the income derived by it, pay to the State Government annually such contribution not exceeding seven per centum of its income as may be prescribed.

(2) Every religious institution, the annual income of which for the financial year immediately preceding, as calculated for the purposes of the levy of contribution under sub-section (1), is not less than one thousand rupees, shall pay to the State Government annually for meeting the cost

of auditing its accounts such further sum not exceeding one and a half per centum of its income as the Commissioner may determine.

(3) The annual payments referred to in sub-sections (1) and (2) shall be made, notwithstanding anything to the contrary contained in any scheme settled or deemed to be settled under this Act for the religious institution concerned.

(4) All sums paid under sub-sections (1) and (2) shall be utilized for the payment of the salaries, allowances, pensions and other beneficial remuneration of the Commissioner, Assistant Commissioner and other officers and servants employed for the purposes of this Act and the other expenses incurred for such purposes, including the cost of auditing the accounts of religious institutions and the cost of any staff maintained for conducting such audit.

64. *Recovery of costs and expenses incurred on legal proceedings.*—All costs, charges and expenses incurred by the State Government, the Commissioner or an Assistant Commissioner, in connection with legal proceedings in respect of any religious institution to which the State Government, the Commissioner is a party, shall be payable out of the funds of such religious institution.

65. *Assessment and recovery of contribution and costs and expenses.*—The contributions, costs and expenses payable under sections 63 and 64 shall be assessed on and notified to trustee of the religious institution concerned in the prescribed manner. The assessment shall be made by the Commissioner on the basis of average income of the preceding three years for the following three years. The Commissioner if he considers necessary may call for reports from Assistant Commissioners in this behalf.

(2) (a) Such trustee may, within fifteen days from the date of the receipt of such notice or within such further time as may be granted by the Commissioner, prefer his objection thereto, if any, to the Commissioner in writing. Such objection may relate either to his liability to pay or to the amount specified in the notice. The Commissioner shall consider such objection and give his decision confirming, withdrawing or modifying his original notice.

(b) Within one month of the date of receipt of the notice of assessment, or when objection has been preferred within one month from the date of the decision of the Commissioner or within such further time as may be granted by him, such trustee shall pay the amount specified in the original notice or the amount as fixed by the Commissioner on objection.

(3) If the trustee fails to pay the amount aforesaid within the time allowed, the Collector of the district in which any property of the religious institution is situated shall, on a requisition made to him in the prescribed manner by the Commissioner and subject to the provisions of this section, recover such amount as if it were an arrear of land revenue.

(4) The Collector of the district shall, on receipt of a requisition under sub-section (3), withhold the amount mentioned therein out of the *Tasdik* or any other allowance payable by the State Government to the religious institution concerned, but where the *Tasdik* or any other allowance is insufficient for the purpose the said Collector shall withhold the amount available and recover the balance as if it were an arrear of land revenue.

(5) Places of worship, including temples and tanks, and places where *Utsavams* are performed, idols, *Vahanams*, jewels and such vessels and other articles of the religious institution as may be necessary in accordance with the usage of the institution for purposes of worship or ceremonial processions shall not be liable to be proceeded against in pursuance of sub-sections (3) and (4).

(6) Instead of selling the property after attachment thereof under the provisions of the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864) or the Bihar and Orissa Public Demands Recovery Act, 1914 (Bihar and Orissa Act IV of 1914), as the case may be, it shall be open to the said Collector at the instance of the Commissioner to appoint a Receiver to take possession of the property or such portion thereof as may be necessary and collect the income thereof until the amount sought to be recovered is realized. The remuneration, if any, paid to the Receiver, and the other expenses incurred by him, shall be paid out of the income of the institution concerned.

(7) any objection which could be preferred or which was preferred and rejected by the Commissioner under sub section (2) shall not be entertained under section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 (B. and O. Act IV of 1914), and the said section shall be deemed to be amended accordingly for the purpose of this Act in the matter of issue of certificate under that Act.

(8) No suit, prosecution or other legal proceeding shall be entertained in any Court of Law against the State Government or any officer or servant of the State Government for anything done or intended to be done in good faith in pursuance of this section contained in sub section (3).

66. *Contribution not to be levied for more than six years immediately preceding the year in which notice of assessment is issued.*—It shall not be competent for the Commissioner to levy any contribution for more than six years immediately preceding the year in which a notice of assessment is issued under section 65.

(2) Nothing in this section shall affect any levy of contribution made or moneys collected by the Commissioner under the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939).

CHAPTER X. MISCELLANEOUS

67 *Public Officers to furnish copies of or extracts from certain documents*—All public officers having custody of any record, register, report or other document relating to a religious institution or any movable or immovable property thereof shall furnish such copies or extracts from the same as may be required by the Commissioner or a Deputy or an Assistant Commissioner.

68 *Putting trustee or Executive Officer in possession.*—(1) Where a person has been appointed—

(a) as trustee or Executive Officer of a religious institution, or

(b) to discharge the functions of a trustee of a religious institution in accordance with the provisions of this Act, or

(c) as manager under section 38 or as the Executive Officer in any scheme settled under the provisions of the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939), and such person is resisted in, or prevented from, obtaining possession of the religious institution or of the record, accounts and properties thereof, by a trustee, office-holder or servant of the religious institution who has been dismissed or suspended from his office or is otherwise not entitled to be in possession, or by any person claiming or deriving title from such trustee, office-holder or servant, other than a person claiming in good faith to be in possession of his own account or on account of some person not being such trustee, office-holder or servant, the Assistant Commissioner concerned shall on application by the person so appointed, direct delivery of possession of the religious institution and its endowments or the records, accounts and properties thereof, as the case may be, to him and send a copy of the order for

execution by the Subdivisional Magistrate having jurisdiction in the prescribed manner.

Explanation.—A person claiming under an alienation contrary to subsection (1) of section 19 and section 24 shall not be regarded as a person claiming in good faith within the meaning of this section.

(2) Any person aggrieved by an order under this section may file a petition for revision before the Commissioner, whose order shall be final.

69. *Notice by Court and cost of proceedings.*—(1) Whenever the trustee of any religious institution is sued in any Civil or Revenue Court in respect of any property belonging to or given or endowed for the purpose of any religious institution, notice of such suit shall be given by the Court concerned to the Commissioner at least a month before commencement of the hearing.

(2) The costs, charges and expenses incidental to all proceedings before the Commissioner or Assistant Commissioner shall be in his discretion and he shall have full power to determine by whom or out of what funds and to what extent such costs, charges and expenses are to be paid; and the order passed in this regard may be transferred to the Collector for execution and recovery as arrears of land revenue.

70. *Penalty for refusal by trustee to comply with provisions of the Act.*—(1) If any trustee, Executive Officer or other person including a manager appointed under section 38 in whom the administration of a religious institution is vested—

(a) refuses, neglects or fails to comply with the provisions of sections 13, 15, 16, 17, or 18, or fails to make over charge of the institution when so ordered, or

(b) refuses, neglects or fails to furnish such accounts, returns, reports or other information relating to the institution or its funds, property or income or the application thereof, at such time and in such manner as the Commissioner or the Assistant Commissioner may require, or

(c) refuses or causes obstruction to the inspection by the Commissioner or Assistant Commissioner of the movable and immovable property belonging to, and all records, correspondence, plans, accounts and other documents relating to the religious institution or fails to produce them for inspection, he shall, unless he shows reasonable cause to the satisfaction of the Commissioner, be liable to pay to the State Government such penalty not exceeding five hundred rupees and in case of persistent default in compliance with the order a daily fine not exceeding fifty rupees.

(2) The penalty shall be paid within the time fixed by the State Government by the person against whom the order is made from his own funds and not from the funds of the religious institution concerned.

(3) If the penalty is not paid within the time fixed or within such further time as may be granted by the State Government, the Collector of the district in which any property of the person against whom an order has been made is situated shall, on requisition made to him by the Commissioner recover the amount, as if it were an arrear of land revenue and pay the same to the State Government.

71. *Court fees to be paid as prescribed in Schedule I and altered from time to time.*—Notwithstanding anything contained in the first or second Schedule to the Court-fees Act, 1870 (Act VII of 1870), the proper fees for the documents described in columns (1) and (2) of the Schedule I shall be its fees indicated in column (3) thereof.

72. *Saving of established usages*—Save as otherwise expressly provided in or under this Act, nothing herein contained shall affect any established usage of a religious institution or the rights, honours, emoluments

and perquisites to which any person may, by custom or otherwise, be entitled in such institution.

73. Bar of suits in respect of administration of religious institution.—

(1) No suit or other legal proceeding in respect of the administration of a religious institution or in respect of any other matter or dispute for determining or deciding which provision is made in this Act shall be instituted in any Court of Law, except under, and in conformity with, the provisions of this Act.

(2) Nothing contained in this section shall affect the right of the trustee appointed under the Act of a religious institution to institute a suit to enforce the pecuniary or property rights of the institution or the rights of such institution as a beneficiary.

74. Procedure and powers at inquiries under Chapters V and VI.—(1) Every enquiry held by the Commissioner or Assistant Commissioner under Chapter V or Chapter VI shall be made in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (V of 1908), to the trial of suits or the hearing of appeals, as the case may be.

(2) The provisions of the Indian Evidence Act, 1872 (I of 1872), and the Indian Oaths Act, 1873 (X of 1873), and the Indian Limitation Act, 1908 (IX of 1908) shall apply to such enquiries.

(3) The Commissioner or a Deputy or Assistant Commissioner holding such an enquiry shall be deemed to be a person acting judicially within the meaning of the Judicial Officers Protection Act, 1950 (XVIII of 1950).

75. Notifications, orders etc. under Act, not to be questioned in Court of Law.—Save as otherwise expressly provided in this Act, no notification issued, order passed, decision made, proceedings or action taken, scheme settled, or other thing done under the provisions of the Act by the State Government or the Commissioner or an Assistant Commissioner shall be liable to be questioned in any Court of Law.

76. Power to make rule.—(1) The State Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules with reference to the following matters :—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the effectual exercise of the powers of superintendence vested in State Government ;

(c) the form and manner in which applications and appeals should be submitted to the State Government, the Commissioner or an Assistant Commissioner ;

(d) the powers of the State Government, the Commissioner or an Assistant Commissioner to hold enquiries, to summon and examine witnesses and to compel the production of documents ;

(e) the inspection of documents and the fees to be levied for such inspection ;

(f) the fees to be levied for the issue and service for processes and notices ;

(g) the grant of certified copies and the fees to be levied therefor ;

(h) the budgets, reports, accounts, returns or other information to be submitted by trustees ;

(i) the custody and investment of the funds of religious institutions ;

(j) the manner in which the accounts of religious institutions shall be audited and published, the time and place of audit and the form and contents of the Auditor's report ;

(k) the method of calculating the income of a religious institution for the purpose of levying contribution and the rate at which it should be levied ;

(l) the security, if any, to be furnished by officers and servants employed for the purposes of this Act ;

(m) the preservation, maintenance, management and improvement of the properties and buildings of religious institutions ;

(n) the inspection and supervision of the properties and buildings of religious institutions by such person as the State Government may direct, the reports to be submitted by such persons and the fees leviable for such inspection, supervision and report ;

(o) the preservation of the images in temples ;

(p) the methods by which religious institutions should promote the interests of such institution ;

(q) the qualifications to be possessed by the officers and servants for appointment to non-hereditary offices in religious institutions, the qualifications to be possessed by hereditary servants for succession to office and the conditions of service of all such officers and servants ;

(r) the qualifications, method of recruitment, pay, grant of leave, allowance and travelling allowance, personal conduct and punishment of Executive Officers appointed for a notified religious institution or institutions under direct management and paid officers appointed under schemes settled or deemed to be settled under the Act, and generally their conditions of service

(3) The power to make rules under this section shall be subject to the condition of previous publication.

77. Granting of copies.—The Commissioner shall grant copies of proceedings or other records of his office on payment of such fees and subject to such conditions as may be prescribed. Copies shall be certified by the Commissioner or such officer as may be authorised by him in this behalf in the manner provided under section 76 of the Indian Evidence Act, 1872 (I of 1872).

78. Suits and proceedings pending in Court.—(1) All suits under sub-section (2) of section 64 of the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939), shall be transferred to the Tribunal constituted under section 40 and disposed of in the manner prescribed in this Act.

(2) All suits pending under any other section of the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939), shall be transferred to the Commissioner for disposal according to the provisions of this Act.

(3) All suits stayed under the Orissa Hindu Religious Endowments (Amendment) Act, 1947 (Orissa Act XXXI of 1947), shall, after the expiry of the period of years specified thereunder be proceeded with from the stage which had reached when the suit was stayed

(4) Any reference to Commissioner contained in any enactment in force in the State of Orissa or in any notification, order, scheme, rule, force or by-law made under any such enactment in force in the State shall on and from the commencement of this Act be continued as reference to Commissioner appointed under this Act.

79. Repeal and effect of repeal of Orissa Hindu Religious Endowments

Act, 1939.—(1) The Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939), is hereby repealed.

(2) Notwithstanding the repeal of the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939)—

(a) all rules made, notifications issued, orders passed, decisions made, proceedings or action taken, schemes settled and things done by the State Government or the Commissioner under the said Act, shall in so far as they are not inconsistent with this Act, be deemed to have been made, issued, passed, taken, settled or done by the appropriate authority under the corresponding provisions of this Act and shall have effect accordingly ;

(b) all schemes settled or modified by a Court of Law under the said Act or under section 92 of the Code of Civil Procedure, 1908 (V of 1908), shall be deemed to have been settled or modified under this Act ;

(c) all proceedings pending before the State Government or the Commissioner under the provisions of the said Act and the rules made thereunder at the commencement of this Act, may, in so far as they are not inconsistent with the provisions of this Act, or the rules made thereunder be continued by the appropriate authority under this Act ;

(d) all costs, expenses, penalties and contributions payable to the fund of the endowments under the said Act immediately before the commencement of this Act, shall be payable to the State Government instead ; and any assessment, levy or demand of such sums made before the commencement of this Act shall be deemed to be valid and may be continued and shall be enforceable under this Act.

(e) any remedy by way of application, suit, or appeal which is provided by this Act shall be available in respect of proceedings under the said Act pending at the commencement of this Act as if the proceedings in respect of which the remedy is sought had been instituted under this Act.

80. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

SCHEDULE I

(See section 71)

Court fees payable for documents

Section	Description of document	Proper fee
1	2	3
		Rs.
9	Application to Commissioner for revision ...	10
10	Appeal to State Government against order of Commissioner.	20
19	Appeal to the Commissioner against order of Assistant Commissioner regarding alienation of properties	15
21	(i) Application to the Assistant Commissioner for payment of expenses.	2
	(ii) Appeal to the Commissioner ...	5
	(iii) Application to the Collector of the district for recovery of money	2
23	Petition to the Board of Revenue against the order of the Collector.	15
25	Application to Collector for resumption ...	2
28	Appeal to Commissioner against the order of the Assistant Commissioner under sub-section (1).	25
30	Appeal to Commissioner against the order of the Assistant Commissioner under sub-section (3).	25

Section	Description of document	Proper fee
1	2	3
		Rs
31	Appeal to the Assistant Commissioner against the order of the trustee under sub-section (3).	2
32	Appeal to the Assistant Commissioner against the order of the trustee.	2
34 (i)	Appeal to Commissioner against the order of the Assistant Commissioner regarding scale of expenditure.	20
(ii)	Appeal to Commissioner against the order of the Assistant Commissioner regarding scale of expenditure.	20
35	Appeal to Commissioner against order of the Assistant Commissioner under sub-section (2).	20
37	Appeal to Commissioner against order of Assistant Commissioner under sub-section (3).	15
41 (i)	Application for decision of dispute or matter under the section.	15
(ii)	Appeal to the Tribunal against the order of the Assistant Commissioner under the section.	50
42 (i)	Application to Assistant Commissioner for settling a scheme.	25
(ii)	Application to Assistant Commissioner for modification of scheme.	10
43 (i)	Application to Assistant Commissioner regarding application of funds.	5
(ii)	Application to Assistant Commissioner for modification or cancellation of the order passed under sub-section (1).	5
46	Appeal to Commissioner against order of the Assistant Commissioner under Chapter V of the Act.	25
46	Application to State Government to modify or cancel notification issued under the section.	25
57	Appeal to Commissioner against order of Assistant Commissioner on the Budget Estimate.	10
61	Appeal to the State Government against order of Commissioner under sub-section (3) regarding the defects disclosed by audit.	20
65	Objection petition by the trustee regarding assessment of income.	2
68	Application for putting trustee in possession of properties.	2
	All adjournment and miscellaneous petitions to the Commissioner and Assistant Commissioners.	1

The Orissa Appropriation (No 3) Act, 1952.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 28th November 1952, [Vide Notification No. 9378-Legis., of the Law Department, dated the 1st December 1952, published in the *Orissa Gazette*, Extraordinary, dated the 1st December 1952].

Orissa Act XIX of 1952

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Orissa for the service of the year ending on the thirty first day of March 1953.

BE it enacted by the Legislature of the State of Orissa as follows :—

1 *Short title.*—This Act may be called the Orissa Appropriation (No. 3) Act, 1952.

2 *Issue of Rs. 1,24,87,500 out of the Consolidated Fund of Orissa for the year 1952-53.*—From and out of the Consolidated Fund of Orissa there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees one crore, twenty-four lakhs, eighty seven thousand and five hundred towards defraying the several charges which will come in course of payment during the

year ending on the thirty-first day of March 1953, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of Orissa by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1953.

SCHEDULE

*

*

*

[For the Schedule see pages 2-4, of the *Orissa Gazette*, Extraordinary, dated the 1st December 1952. *Editor*]

The Orissa Ministers' Salaries and Allowances Act, 1952.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 29th November 1952 [Vide Notification No. 9911-Legis., of the Law Department, dated the 2nd December 1952, published in the *Orissa Gazette*, Extraordinary, dated the 3rd December 1952]

Orissa Act XX of 1952

An Act to provide for the Salaries and Allowances of the Ministers of the State of Orissa.

WHEREAS it is expedient to provide for the salaries and allowances of the Ministers of the State of Orissa ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Ministers' Salaries and Allowances Act, 1952.

(2) It shall come into force at once.

2. *Definition.*—In this Act, "Minister" means a member of the Council of Ministers, by whatever name called, and includes a Deputy Minister.

3. *Salaries of Ministers*—There shall be paid to each Minister other than a Deputy Minister a salary of one thousand rupees per mensem and to each Deputy Minister a salary of seven hundred and fifty rupees per mensem.

4. *Car allowances.*—There shall be paid to each Minister an allowance of one hundred rupees per mensem for the upkeep of a car.

5. *Residence.*—Each Minister shall, throughout his term of office and for a period of fifteen days immediately thereafter, be entitled without payment of rent to the use of a furnished residence or in lieu thereof a house-rent allowance of one hundred rupees per mensem. No charge shall fall on the Minister personally in respect of the maintenance of a furnished residence provided to him.

Explanation—For the purposes of this section, "residence" includes the staff quarters and other buildings appurtenant thereto and "maintenance" in relation to a residence shall mean only the payment of Municipal tax and the installation of electricity and water taps.

6. *Medical treatment.*—A Minister shall be entitled to the same medical facilities as are permissible to a class I Government servant.

7. *Advances for purchase of motor cars.*—There may be paid to any Minister by way of a repayable advance such sum of money as may be determined by rules made in this behalf for the purchase of a motor car in order that he may be able to discharge conveniently and efficiently the duties of his office.

8. *Travelling and daily allowances.*—(1) Subject to any rules made in this behalf by the State Government, a Minister shall be entitled to—

(a) travelling allowances for himself and members of his family and for the transport of his and his family's effects—

(i) in respect of the journey to the State headquarters from his usual place of residence for assuming office, and

(ii) in respect of the journey from the State headquarters to his usual place of residence on relinquishing office ;

(b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his official duties, whether by water, land or air ; and

(c) travelling allowances on transfer of headquarters for himself and members of his family.

(2) Any travelling allowances under this section may be paid in cash or free official transport provided in lieu thereof.

9. *Notification as evidence of appointment, etc.*—The date, on which any person became or ceased to be a Minister, shall be published in the Gazette and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Minister on that date for all the purposes of this Act.

10. *Powers to make rules.*—(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid as soon as possible after they are made before the Orissa Legislative Assembly for a total period of fourteen days which may be comprised in one session or in two or more sessions and shall be subject to such modifications as the Assembly may make during the said period.

11. *Continuance of rule and orders obtaining at the commencement of this Act*—Notwithstanding any thing contained in sections 6, 7 and 8, all rules or orders obtaining at the commencement of this Act and relating to medical treatment, advances for the purchase of motor cars and travelling and daily allowances shall continue in force until such rules are made in this behalf under this Act.

12. *Regularisation of payments.*—Any allowances paid or payable to the Ministers for the upkeep of a car, all charges incurred for their medical treatment and for providing them with furnished residence and all payments made to them by way of travelling or daily allowances or for the purchase of a motor car before the commencement of this Act shall be deemed to have been properly paid, payable or incurred or made.

13. *Repeals.*—The Orissa Ministers' Salaries Act, 1937 (Orissa Act III of 1937), and the Orissa Deputy Ministers' Salaries Act, 1952 (Orissa Act VIII of 1952), are hereby repealed.

The Orissa Agriculture (Amendment) Act, 1952.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 29th November 1952 [Vide Notification No. 9948 Legis., of the Law Department, dated the 4th December 1952, published in the *Orissa Gazette*, Extraordinary, dated the 5th December 1952.]

Orissa Act XXI of 1952

An Act to amend the Orissa Agriculture Act, 1951.

WHEREAS it is expedient to amend the Orissa Agriculture Act, 1951 (Orissa Act XVI of 1952), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Agriculture (Amendment) Act, 1952.

(2) It shall come into force at once.

2. *Amendment of section 1, Orissa Act XVI of 1952.*—For sub-section (c) of section 1 of the Orissa Agriculture Act, 1951 (Orissa Act XVI of 1952), the following sub-section shall be substituted, namely :—

“(c) It shall come into force in such area or areas and on such date or dates as the State Government may, by notification, appoint.”

3. *Repeal.*—The Orissa Agriculture (Amendment) Ordinance, 1952 (Orissa Ordinance No. 11 of 1952), is hereby repealed.

The Orissa House Rent Control (Amendment) Act, 1952.

In pursuance of rule 19 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 29th November 1952 | Vide Notification No. 995-Legis., of the Law Department, dated the 4th December 1952, published in the *Orissa Gazette*, Extraordinary, dated the 5th December 1952.]

Orissa Act XXII of 1952.

An Act to amend the Orissa House Rent Control Act, 1950.

WHEREAS it is expedient to amend the Orissa House Rent Control Act, 1950 (Orissa Act XI of 1951), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa House Rent Control (Amendment) Act, 1952.

(2) It shall come into force at once.

2. *Amendment of section 1, Orissa Act XI of 1951.*—In sub-section (4) of section 1 of the Orissa House Rent Control Act, 1950 (Orissa Act XI of 1951), for the words letters and figures ‘1st day of January 1953’ the words, letters and figures ‘1st day of January 1955’ shall be substituted.

The Orissa Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1952.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly, has been assented to by the Governor on the 29th November 1952 | Vide Notification No. 9954-Legis., of the Law Department, dated the 5th December 1952, published in the *Orissa Gazette*, Extraordinary, dated the 5th December 1952.]

Orissa Act XXIII of 1952.

An Act further to amend the Orissa Essential Articles Control and Requisitioning (Temporary Powers) Act, 1950.

WHEREAS it is expedient further to amend the Orissa Essential Articles Control and Requisitioning (Temporary Powers) Act, 1950 (Orissa Act XII of 1951) in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1952.

(2) It shall come into force at once.

2. *Amendment of section 1, Orissa Act XII of 1951.*—In sub-section (4) of section 1 of the Orissa Essential Articles Control and Requisitioning (Temporary Powers) Act, 1950 (Orissa Act XII of 1951), for the words, letters and figures ‘1st day of January 1953’ the words, letters and figures ‘26th day of January 1955’ shall be substituted.

The Orissa Restriction of Habitual Offenders Act, 1952.

The following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 11th December 1952 and was published in the *Orissa Gazette*, Extraordinary, No. 283, dated the 16th December 1952.

Orissa Act XXIV of 1952.

An Act to impose certain restrictions on habitual offenders in the State of Orissa.

WHEREAS it is expedient to impose certain restrictions on habitual offenders in the State of Orissa ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Orissa Restriction of Habitual Offenders Act, 1952.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context—

(a) “habitual offender” means a person who has been sentenced to substantive terms of imprisonment whether before or after the commencement of the Act,—

(i) for one or the other of the offences in Schedule I on two occasions,

(ii) for one or the other of the offences in Schedule II on three occasions,

(iii) for one of the offences in Schedule I and one of the offences in Schedule II on two occasions :

Explanation.—Any order made requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898 (V of 1898) shall amount to the passing of a sentence of substantive imprisonment for one or other of the offences under the Indian Penal Code, 1860 (XLV of 1860) as specified in Schedule II within the meaning of this clause.

(b) “notified offender” means a habitual offender in respect of whom a notification has been issued under section 3 and is in force ;

(c) “prescribed” means prescribed by rules made under this Act ;

(d) “settlement” means a settlement established or deemed to have been established under section 7.

3. *Power to notify habitual offenders.*—(1) The District Magistrate if satisfied that any person is a habitual offender may, for reasons to be recorded in writing, by notification—

(a) declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification ;

(b) cancel or modify any such declaration.

(2) Before any notification is issued in respect of any person under clause (a) of sub-section (1) or modified to his disadvantage under clause (b) of the said sub-section, a reasonable opportunity shall be given to him to show cause against such issue or modification, as the case may be.

(3) The State Government may cancel any notification issued under sub-section (1) or modify the same on the application of a person affected by the same or without such an application.

4. *Notified offenders to intimate residence and change of residence.*—As soon as a person is notified as habitual offender he shall—

(a) report himself at such intervals and notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence in such manner and to such authority as may be prescribed.

(b) allow his finger impressions to be recorded by the prescribed authority :

Provided that the District Magistrate or any officer authorised by him in this behalf may exempt any such offender from reporting any temporary absence or intended absence from his residence, not exceeding such limit as may be prescribed.

5 *Power to restrict movements of notified offenders.*—(1) If in the opinion of the State Government it is expedient so to do, they may, by notification, declare that any notified offender shall be restricted in his movements to a specified area.

(2) Before making any such declaration, the State Government shall consider—

(i) the nature of the offences, if any, of which the offender has been convicted and the circumstances under which they were committed :

(ii) whether the offender employs himself in any lawful occupation and whether such occupation is a real one or merely a pretence for facilitating the commission of offences ;

(iii) the suitability of the area to which his movements are to be restricted ; and

(iv) the manner in which it is proposed that he should earn his living in such area and the adequacy of the arrangements therefor.

6. *Power to cancel or alter such restrictions*—The State Government may, by notification, cancel any declaration made under section 5 or alter any area notified under that section :

Provided that before issuing any such notification the State Government shall consider the matters referred to in sub-section (2) of section 5 in so far as they may be applicable.

7. *Power to place notified offenders in settlements.*—The State Government may for the purpose of this Act establish industrial, agricultural or reformatory settlements and may order any notified offender to be placed in any such settlement.

8. *Power to discharge or transfer persons from settlements*—The State Government or any officer authorised by them in this behalf may at any time, by an order in writing, direct any notified offenders who may be in a settlement to be discharged, or transferred to any other settlement.

9. *Power to subject voluntary residents in settlements to restrictions and penalties.*—The State Government may, by order, direct that any person voluntarily residing in any settlement shall be subject to all or any of the restrictions and penalties imposed by or under this Act on a notified offender placed in such settlement.

10. *Penalties.*—Any notified offender who contravenes any of the provisions of this Act or any notification, rule or order made thereunder shall be punishable—

(a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ;

(b) on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both ;

11. *Arrest of notified offenders.*—If a notified offender—

(a) is found outside the area to which his movements have been restricted in contravention of the conditions under which he is permitted to leave such area, or

(b) escapes from any settlement in which he has been placed,

he may be arrested without warrant by any police officer, village headman or village watchman and taken before any Magistrate who, on proof of the facts, shall order him to be removed to such area or to such settlement, to be dealt with in accordance with the provisions of this Act and any rules made thereunder.

12. Rules for the removal of prisoners to apply in certain cases.—Every law or rule for the time being in force governing the removal of prisoners shall apply to all persons ordered to be placed in a settlement under section 7 or to be removed under section 8 :

Provided that no order from the State Government or the Inspector-General of Prisons shall be necessary for the removal of such persons.

13. Bar of jurisdiction.—No Court shall question the validity of any notification or order, issued under this Act.

14. Power to make rules.—(1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

- (a) all matters required or allowed by this Act to be prescribed ;
 - (b) the intervals, manner and the authority to be prescribed under section 4 ;
 - (c) the restrictions to be observed under section 5 by notified offenders in respect of whom notifications have been issued under section 3 ;
 - (d) the grant of certificates of identity to notified offenders, and the inspection of such certificates ;
 - (e) the conditions under which notified offenders may be permitted to leave the area to which their movements are restricted or the places in which they are settled ;
 - (f) the inspection of the residences of notified offenders ;
 - (g) the terms upon which notified offenders may be discharged from the operation of this Act ;
 - (h) the management and supervision of settlements including the discipline and conduct of the persons placed in them ; and
 - (i) the periodical review of the cases of all persons who have been placed in any settlement under this Act.
- (3) All rules made under this section shall be published in the Gazette, and upon such publication shall have effect as if enacted in this Act.

SCHEDULE I

[See Section 2(a)]

Sections of the Indian Penal Code

- 302 Murder
- 304 Culpable homicide not amounting to murder
- 307 Attempt to murder
- 308 Attempt to commit culpable homicide
- 311 Being a thug
- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- 392 Robbery
- 393 Attempt to commit robbery
- 394 Voluntarily causing hurt in committing robbery
- 395 Dacoity
- 396 Murder in dacoity
- 397 Robbery or dacoity, with attempt to cause death or grievous hurt
- 398 Attempt to commit robbery or dacoity when armed with deadly weapon

- 399 Making preparation to commit dacoity
- 400 Belonging to a gang of persons associated for habitually committing dacoity.
- 401 Belonging to a wandering gang of persons associated for the purpose of habitually committing theft.
- 402 Assembling for purpose of committing dacoity
- 412 Dishonestly receiving stolen property knowing that it was obtained by dacoity.
- 413 Habitually dealing in stolen property
- 458 Lurking house-trespass or house-breaking by night, after preparation for hurt, assault or wrongful restraint.
- 459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt is caused by one of them.

SCHEDULE II

[See Section 2(a)]

Sections of the Indian Penal Code

- 231 Counterfeiting coin
- 232 Counterfeiting Indian coin
- 233 Making or selling instrument for counterfeiting coin
- 234 Making or selling instrument for counterfeiting Indian coin
- 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin
- 239 Delivery of coin, possessed with the knowledge that it is counterfeit.
- 240 Delivery of Indian coin possessed with the knowledge that it is counterfeit.
- 242 Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
- 243 Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.
- 326 Voluntarily causing grievous hurt by dangerous weapons or means.
- 327 Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328 Causing hurt by means of poison, etc., with intent to commit an offence.
- 329 Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332 Voluntarily causing hurt to deter public servant from his duty.
- 333 Voluntarily causing grievous hurt to deter public servant from his duty.
- 364 Kidnapping or abducting in order to murder
- 367 Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.
- 369 Kidnapping or abducting child under ten years with intent to steal from its person.
- 370 Buying or disposing of any person as a slave.
- 371 Habitual dealing in slaves
- 379 Theft
- 380 Theft in a building, tent or vessel
- 381 Theft by clerk or servant of property in possession of Master or Employer.
- 384 Extortion

- 385 Putting person in fear of injury in order to commit extortion
 386 Extortion by putting a person in fear of death or grievous hurt
 387 Putting person in fear of death or of grievous hurt in order to commit extortion.
 457 Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.
 489-A Counterfeiting currency-notes or bank-notes
 489-B Using as genuine, forged or counterfeit currency-notes or bank-notes.
 489-C Possession of forged or counterfeit currency-notes or bank-notes
 489-D Making or possessing instruments or material for forging or counterfeiting currency-notes or bank-notes.

The Indian Forest (Orissa Amendment) Act, 1952.

The following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 8th December 1952, and was published in the *Orissa Gazette*, Extraordinary, No. 284, dated the 16th December 1952.

Orissa Act XXV of 1952

An Act to amend the Indian Forest Act, 1927 in its application to the State of Orissa

WHEREAS it is expedient to amend the Indian Forest Act, 1927 (XVI of 1927) in its application to the State of Orissa in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement*—(1) This Act may be called the Indian Forest (Orissa Amendment) Act, 1952.

(2) It shall come into force at once

2. *Amendment of section 82, XVI of 1927.*—For section 82 of the Indian Forest Act, 1927 (XVI of 1927), the following section shall be substituted, namely :—

“82. All money, other than fines, payable to the State Government under this Act, or any rules made thereunder, or on account of timber or other forest produce, or of expenses incurred in the execution of this Act in respect of timber or other forest produce, or under any contract relating to timber and other forest produce including any sum recoverable thereunder for the breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of timber or other forest produce by auction or by invitation of tenders, issued by or under the authority of a Forest Officer and all compensation awarded to the State Government under this Act, may, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land-revenue.”

The Central Provinces Land Revenue (Orissa Amendment) Act, 1952.

The following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 3rd December 1952 and was published in the *Orissa Gazette*, Extraordinary, No. 288, dated the 19th December 1952.

Orissa Act XXVI of 1952

An Act further to amend the Central Provinces Land Revenue Act, 1881, in its application to the State of Orissa.

WHEREAS it is expedient to amend the Central Provinces Land Revenue Act, 1881 (Act XVIII of 1881), in its application to the State of Orissa in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Central Provinces Land Revenue (Orissa Amendment) Act, 1952.

(2) It shall come into force at once.

2. *Insertion of a proviso to sub-section (1) of section 124-B, Act XVIII of 1881.*—To sub-section (1) of section 124-B of the Central Provinces Land Revenue Act, 1881 (Act XVIII of 1881), the following proviso shall be added, namely :—

“Provided that the State Government may delegate the power of granting such leases in pursuance of the right vested in them to the Deputy Commissioner”.

The Orissa Mining Areas Development Fund Act, 1952.

The following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 10th December 1952 and was published in the *Orissa Gazette*, No. 293, dated the 23rd December 1952.

Orissa Act XXVII of 1952.

An Act to constitute mining areas and mining areas development fund in the State of Orissa.

WHEREAS it is expedient to constitute mining areas and a mining areas development fund in the State of Orissa ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Orissa Mining Areas Development Fund Act, 1952. —

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force at once.

2. *Definitions.*—In this Act unless there is anything repugnant in the subject or context,—

(a) “Advisory Committee” means the Advisory Committee constituted under section 6 ;

(b) “Fund” means the Orissa Mining Areas Development Fund ;

(c) “lessee” includes sub-lessee ; and

(d) “prescribed” means prescribed by rules made under this Act.

3. *Declaration of intention to constitute and alter limits of a mining area.*—(1) Whenever it appears to the State Government that it is necessary and expedient to provide amenities like communications, water supply and electricity for the better development of any area in the State of Orissa wherein any mine is situated or to provide for the welfare of residents or workers in any such area within which persons employed in a mine or a group of mines reside or work, they may, by notification, declare their intention—

(a) to constitute such an area to be a mining area for the purposes of this Act ;

(b) to define the limits of the area to which it relates ;

(c) to include within such area any local area contiguous to the same and defined in the notification ; and

(d) to exclude from such area any local area comprised therein and defined in the notification.

(2) Any owner or a lessee of a mine or his duly constituted agent or representative in the said area, or any person residing therein in respect of which any such notification has been published under sub-section (1) may, if he objects to anything contained in the said notification, submit his objection in writing to the State Government through the Magistrate of the district within such period as may be specified in the said notification and the State Government shall take his objection into consideration.

(3) After the expiry of the period specified in the said notification and after considering any objection which may be submitted, the State Government may, by notification, constitute the area or any specified part thereof as a mining area for the purposes of this Act.

4. *Imposition and collection of cess.*—(1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be levied a cess for the purposes of this Act on all extracted minerals from any mine in any mining area.

(2) The rate of such levy shall not exceed five per centum of the value of the ore at the pit's mouth.

(3) The cess as hereinbefore provided shall fall due in four quarters on the 1st day of January, April, July and October of every year on the mineral extracted during the three months immediately preceding such date and shall be payable by the owner or lessee of every mine on the said date to such officer as may be appointed by notification in this behalf.

(4) All arrears of such cess shall be recovered as if they were arrears of land revenue.

5. *The Orissa Mining Areas Development Fund.*—(1) There shall be constituted a Fund called the Orissa Mining Areas Development Fund for all the mining areas of the State of Orissa and it shall vest in the State Government and shall be administered by such officer or officers of the State Government as may be appointed by them in this behalf.

(2) On the last day of each quarter, or as soon thereafter as may be convenient, there shall be paid to the credit of the Orissa Mining Areas Development Fund the proceeds of the cess recovered under section 4 for each mining area during the quarter after deduction of the expenses, if any, for collection and recovery.

(3) To the credit of the said Fund shall be placed—

(a) all collections of cess under sub-section (2) ;

(b) grants from the State Government and Local authorities ;

(c) public subscriptions, if any, specifically given for any of the purposes of the Fund.

(4) The Fund shall be applied by the State Government to meet expenditure incurred in connection with such measures which in the opinion of the State Government are necessary or expedient for providing amenities like communications, water-supply and electricity, for the better development of the mining areas and to meet the welfare of labour and other persons residing or working in the mining areas.

(5) Without prejudice to the generality of the foregoing provisions, the Fund may be utilised to defray—

(a) the cost of measures for the benefit of labour and other persons residing or working in the mining areas directed towards—

(i) the improvement of public health and sanitation, the prevention of disease, and the provision and improvement of medical facilities,

(ii) the provision and improvement of water-supplies and facilities for washing,

(iii) the provision and improvement of educational facilities,

(iv) the improvement of standards of living including housing and nutrition, the amelioration of social conditions and the provision of recreational facilities, and

(v) the provision of roads, tramways and railways and such other communications ;

(b) the grant to any Educational Institute providing technical education in mining and such other allied subjects ;

(c) the grant to the Central Governments, a Local authority or the

owner, agent or manager of a mine, in aid of any scheme approved by the State Government for any of the purposes of the Fund ;

(d) the cost of administering the Fund, including the allowances, if any, of members of the Advisory Committee constituted under section 6 and the salaries, provident funds, pensions, gratuity and allowances, if any, of officers appointed under section 7 ; and

(e) any other expenditure which the State Government may direct to be defrayed from the Fund.

(6) The State Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund and their decision shall be final.

(7) The State Government shall publish annually in the Gazette the report of the activities financed from the Fund, together with an estimate of receipts and expenditure of the Fund and a statement of accounts.

6. *Advisory Committee.*—(1) The State Government may constitute an Advisory Committee separately or jointly, as the case may be, for the various mining areas declared as such under section 3, to advise the State Government on any matter arising out of the administration of this Act or the Fund.

(2) The members of the Advisory Committee including its Chairman and Secretary shall be appointed by the State Government and it shall consist of such number of members and chosen in such manner as may be prescribed :

Provided that each Committee shall include representatives of mine-owners and workmen employed in mining industry.

(3) The State Government shall publish in the Gazette the names of all members of the Advisory Committee including its Chairman and Secretary.

7. *Appointment and functions of officers.*—(1) The State Government may appoint Inspectors and such other officers as they may deem necessary to supervise or carry out the activities financed from the Fund.

(2) Every officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

(3) Any Inspector or other officers may, with such assistance, if any, as he thinks fit, enter at any reasonable time any place in any mining area which he considers it necessary to enter for the purpose of supervising or carrying out the activities financed from the Fund, and perform within such place anything necessary for the proper discharge of his duties.

8. *Power to make rules.*—(1) The State Government may, subject to the condition of previous publication, make rules to carry into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the making of refunds, remission and recoveries of the cess imposed by sub-section (1) of section 4 ;

(b) the composition of the Advisory Committee constituted under section 6, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them, and the manner in which the Advisory Committee shall conduct their business ;

(c) the conditions governing the grant of money from the Fund under clauses (b) and (c) of sub-section (5) of section 5 ;

(d) the form of the estimate and statement referred to in sub-section

(7) of section 5 ;

(e) the conditions of service and the duties of all officers appointed under section 7 ;

(f) the furnishing by owners, lessees or agents or managers of mines of statistical or other information.

(3) All rules made under this Act shall be published in the Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

(4) All rules made under this Act shall be laid, as soon as possible, after they are made, before the Orissa Legislative Assembly, for a total period of fifteen days which may be comprised in one session or in two or more sessions and shall be subject to such modifications as the Assembly may make during the said period.

9 *Penalty and prosecution* — Any person, who attempts to obstruct or abets in the obstruction of any Inspector or Officer appointed under this Act in the due discharge of his duties and any owners, lessees, agents or managers of mines who fail or neglect to give statistical or other information required to be furnished under this Act and rules made thereunder, shall be punishable with fine which may extend to five hundred rupees.

10 *Protection of action taken under this Act* — No suit, prosecution or legal proceedings shall lie against the Chairman, Secretary or any other member of the Advisory Committee or any officer appointed under this Act in respect of anything in good faith done or intended to be done in pursuance of this Act or any rules or order made thereunder.

11 *Power to remove difficulties*.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

The Orissa Court of Wards (Amendment) Act, 1952.

The following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 10th December 1952 and was published in the *Orissa Gazette*, Extraordinary, No. 294, dated the 23rd December 1952.

Orissa Act XXVIII of 1952

An Act to amend the Orissa Court of Wards Act, 1947.

WHEREAS it is expedient to amend the Orissa Court of Wards Act, 1947 (Orissa Act XXVI of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*.—This Act may be called the Orissa Court of Wards (Amendment) Act, 1952.

2. *Amendment of section 38, Orissa Act XXVI of 1947*.—To subsection (1) of section 38 of the Orissa Court of Wards Act, 1947 (Orissa Act XXVI of 1947), the following new proviso shall be added, namely :—

“Provided, thirdly, that nothing contained in this Act shall affect the competency of a ward to surrender his estate in accordance with the provisions of section 4 of the Orissa Estates Abolition Act, 1951 (Orissa Act I of 1952).”

3. *Repeal of Orissa Ordinance III of 1952* — (1) The Orissa Court of Wards (Amendment) Ordinance, 1952 (Orissa Ordinance No. III of 1952) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in accordance with the provisions of the said Ordinance shall for all purposes be deemed to have been done or taken in accordance with the provi-

sions of this Act as if this Act had come into force on the 26th day of September 1952.

Published in the *Orissa Gazette*, Extraordinary, No. 30, dated the 19th February 1953.

The Orissa Stamp (Surcharge Amendment) (Amendment) Ordinance, 1953.

Orissa Ordinance No. 1 of 1953

An Ordinance further to amend the Orissa Stamp (Surcharge Amendment) Act, 1947.

WHEREAS the Legislature of the State of Orissa is not in session;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Stamp (Surcharge Amendment) Act, 1947 (Orissa Act XXIII of 1947), in the manner hereinafter appearing :

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Orissa Stamp (Surcharge Amendment) (Amendment) Ordinance, 1953.

(2) It shall come into force at once.

2. *Amendment of section 2, Orissa Act XXIII of 1947*—In section 2 of the Orissa Stamp (Surcharge Amendment) Act, 1947 (Orissa Act XXIII of 1947), after the words "Policies of Insurance" the words "transfer of shares, debentures" shall be inserted and shall be deemed always to have been inserted.

Published in the *Orissa Gazette*, Extraordinary, No. 105, dated the 25th April 1953.

The Koraput and Ganjam Agency Legal Practitioners Regulation, 1953.
Orissa Regulation No 1 of 1953

A Regulation to apply the Legal Practitioners Act, 1879 to the district of Koraput and Ganjam Agency excluding the Khondmals, the Chokpad Khandam and the Pandakhol Muttha of Suruda Muliahs.

WHEREAS it is expedient to apply the Legal Practitioners Act, 1879 (XVIII of 1879), to the district of Koraput and Ganjam Agency excluding the Khondmals, the Chokpad Khandam and the Pandakhol Muttha of Suruda Muliahs which are scheduled areas of the State of Orissa ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 read with sub-paragraph (3) thereof, of the Fifth Schedule to the Constitution, the Governor of Orissa is pleased to promulgate the following Regulation made by him :—

1. *Short title and commencement.*—(1) This Regulation may be called the Koraput and Ganjam Agency Legal Practitioners Regulation, 1953.

(2) It shall come into force at once.

2. *Application of the Legal Practitioners Act, 1879.*—The Legal Practitioners Act, 1879 (XVIII of 1879), shall apply to the district of Koraput and Ganjam Agency excluding the areas specified in the preamble subject to the following modifications :—

(i) All persons holding sanads under sub rule (1) of rule 21 of the Orissa Agency Rules on the 31st December 1952, and having passed the Pleadership or Mukhtarship examination held under the authority of the High Court at Patna and become qualified to practise in courts under the provisions of the said Act, shall be deemed to be Pleaders or Mukhtars as the case may be for the purposes of the said Act ;

(ii) all persons holding sarads under the proviso (i) to sub-rule (2) of rule 21 of the Orissa Agency Rules on the 31st December 1952, who are not qualified to practise in courts under the provisions of the said Act, shall be deemed to be Mukhtars for the purposes of the said Act.

The Orissa Estates Abolition (Amendment) Act, 1953.

The following Act of the Orissa Legislative Assembly received the assent of the Governor on the 25th March 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 83, dated the 2nd April 1953.

Orissa Act II of 1953

An Act further to amend the Orissa Estates Abolition Act, 1951.

WHEREAS it is expedient further to amend the Orissa Estates Abolition Act, 1951 (Orissa Act I of 1951), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Estates Abolition (Amendment) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 3, Orissa Act I of 1951.*—In sub-section (2) of section 3 of the Orissa Estates Abolition Act, 1951 (Orissa Act I of 1951), the following words shall be omitted, namely :—

‘and in two consecutive issues of two newspapers circulating in the State of Orissa,’.

The Orissa Tenants Protection (Amendment) Act, 1953.

The following Act of the Orissa Legislative Assembly received the assent of the Governor on the 2nd April 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 89, dated the 8th April 1953.

Orissa Act V of 1953

An Act further to amend the Orissa Tenants Protection Act, 1948.

WHEREAS it is expedient further to amend the Orissa Tenants Protection Act, 1948 (Orissa Act III of 1948), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Tenants Protection (Amendment) Act, 1953

(2) It shall come into force at once.

2. *Amendment of section 1, Orissa Act III of 1948.*—In sub-section (4) of section 1 of the Orissa Tenants Protection Act, 1948 (Orissa Act III of 1948), for the words, letters and figures “15th day of April 1953”, the words, letters and figures “15th day of April 1955” shall be substituted and shall be deemed always to have been substituted.

The Orissa Hindu Religious Endowments (Amendment) Act, 1953.

The following Act of the Orissa Legislative Assembly received the assent of the Governor on the 18th April 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 98, dated the 20th April 1953.

Orissa Act VI of 1953.

An Act further to amend the Orissa Hindu Religious Endowments (Amendment) Act, 1947.

WHEREAS it is expedient further to amend the Orissa Hindu Religious Endowments (Amendment) Act, 1947 (Orissa Act XXXI of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Hindu Religious Endowments Amendment (Amendment) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 3 Orissa Act XXXI of 1947.*—In section 3 of the Orissa Hindu Religious Endowments (Amendment) Act, 1947 (Orissa Act XXXI of 1947) (hereinafter referred to as the said Act)—

(a) in sub-section (1) for the words, figure and brackets "Subject to the provisions of sub-section (2)" the words, figure and brackets "Subject to the provisions of sub-section (3)" and for the words "five years" the words "six years" shall be substituted and shall be deemed always to have been substituted.

(b) after sub-section (1) the following new sub-section shall be inserted, namely :—

"(2) Subject to the provisions of sub-section (3) all suits instituted under the provisions of sub-section (2) of section 64 of the said Act after the commencement of this Act shall be stayed up to the 8th December 1953."

(c) sub-section (2) shall be renumbered as sub-section (3) and in the said sub-section as so renumbered after the word, brackets and figure "sub-section (1)" wherever they occur the words brackets and figure "and sub-section (2)" shall be inserted.

(d) after sub-section (3) as so renumbered the following Explanation shall be added, namely :—

"*Explanation.*—Suits stayed under this Act shall include all appeals, reviews, revisions or any other proceedings in any court in relation to or arising out of such suits."

3. *Amendment of section 4, Orissa Act XXXI of 1947.*—For section 4 of the said Act, the following section shall be substituted, namely :—

"4. All suits stayed under this Act shall, after the expiry of the period of six years or after the 8th December 1953, as the case may be, as specified in sub-sections (1) and (2) of section 3, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit was stayed."

4. *Repeal.*—The Orissa Hindu Religious Endowments Amendment (Second Amendment) Ordinance, 1952 (Orissa Ordinance No IV of 1952), is hereby repealed.

The Orissa Mining Areas Development Fund (Amendment) Act, 1953.

The following Act of the Orissa Legislative Assembly received the assent of the Governor on the 31st March 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 104, dated the 25th April 1953.

Orissa Act VIII of 1953.

An Act to amend the Orissa Mining Areas Development Fund Act, 1952.

WHEREAS it is expedient to amend the Orissa Mining Areas Development Fund Act, 1952 (Orissa Act XXVII of 1952), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Orissa Mining Areas Development Fund (Amendment) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 4, Orissa Act XXVII of 1952.*—In sub-section (2) of section 4 of the Orissa Mining Areas Development Fund Act, 1952 (Orissa Act XXVII of 1952), for the word 'ore' the word 'minerals' shall be substituted and shall be deemed always to be substituted.

The Orissa Hindu Religious Endowments (Amendment) Ordinance, 1953.

The following Ordinance promulgated by the Governor of Orissa on the 16th May 1953, was published in the *Orissa Gazette*, Extraordinary, No. 123, dated the 19th May 1953.

Orissa Ordinance No. II of 1953

An Ordinance to amend the Orissa Hindu Religious Endowments Act, 1939.

WHEREAS, the Legislature of the State of Orissa is not in session ;

AND WHEREAS, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939), in the manner hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance :—

1. *Short title and commencement* —(1) This Ordinance may be called the Orissa Hindu Religious Endowments (Amendment) Ordinance, 1953.

(2) It shall come into force at once.

2. *Amendment of section 16, Orissa Act IV of 1939.*—To sub-section (1) of section 16 of the Orissa Hindu Religious Endowments Act, 1939 (Orissa Act IV of 1939) (hereinafter referred to as the said Act), the following words and figures shall be added, namely :—

“or the Orissa Court of Wards Act, 1947 (Orissa Act XXVI of 1947)”.

3. *Amendment of section 20, Orissa Act IV of 1939.*—In section 20 of the said Act, after the words “confirmed or recognised by the British Government” wherever they occur, the words “or by the Rulers of merged territories” shall be inserted.

4. *Amendment of section 27, Orissa Act IV of 1939.*—In sub-section (3) of section 27 of the said Act, for the words “five years” the words “for a period not exceeding five years” shall be substituted.

5. *Amendment of section 29, Orissa Act IV of 1939.*—In clause (a) of sub-section (1) of section 29 of the said Act, before the word “budgets” the words “register of endowments” shall be inserted.

6. *Amendment of section 33, Orissa Act IV of 1939.*—In section 33 of the said Act—

(a) for sub-section (4) the following sub-section shall be substituted, namely :—

“(4) Every order under this section shall be published in the prescribed manner and the order so passed shall be final and binding on the trustee.”

(b) sub-section (5) shall be omitted.

7. *Amendment of section 38, Orissa Act IV of 1939.*—To section 38 of the said Act, the following ‘Explanation’ shall be added, namely :—

“*Explanation.*—The expression “mismanaging the endowments of such Math or Temple” shall include “failure to discharge duties and obligations cast upon the trustee by the various provisions of this Act within a period that may be specified in this behalf by the Commissioner.”

8. *Amendment of section 39, Orissa Act IV of 1939.*—For sub-section (4) of section 39 of the said Act, the following sub-section shall be substituted, namely :—

“(4) Every order under this section shall be published in the prescribed manner and the order so passed shall be final and binding on the trustee and all persons having interest.”

9. *Repeal of section 40, Orissa Act IV of 1939.*—Section 40 of the said Act shall be omitted.

10. *Amendment of section 51, Orissa Act IV of 1939.*—To clause (f) of sub-section (2) of section 51 of the said Act, the following proviso shall be added, namely :—

“Provided that instead of selling the property after attachment thereof under the provisions of the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864) or the Bihar and Orissa Public Demands Recovery Act, 1914 (Bihar and Orissa Act IV of 1914), as the case may be, it shall be open to the said Collector at the instance of the Commissioner to appoint a Receiver to take possession of the property or such portion thereof as may be necessary and collect the income thereof until the amount sought to be recovered is realised. The remuneration, if any, paid to the Receiver and the other expenses incurred by him, shall be paid out of the income of the institution concerned.”

11. *Amendment of section 59, Orissa Act IV of 1939*—In section 59 of the said Act, after sub-section (2) the following new sub-section shall be inserted, namely :—

(2-A) (a) The Commissioner may also make a requisition to the Collector of the district in which the property of the Math or Temple or Endowment is situated, in the prescribed form to deliver its possession to the trustee

(b) On receipt of a requisition under clause (a) the Collector shall serve a notice on the person, reported to be in occupation or his agent to vacate the said property within such time as the Collector may specify in the said notice. If such notice is not obeyed, the Collector shall remove him or depute a subordinate officer to remove such person or agent. In the case of any resistance or obstruction the Collector shall hold a summary enquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in such form as may be prescribed for imprisonment in the civil jail of the district for a period not exceeding thirty days as may be necessary to prevent the continuance of such resistance or obstruction.

F. ALI

Governor of Orissa.

The 16th May 1953.

The Orissa Motor Vehicles (Amendment) Amendment Act, 1952.

The following Act of the Orissa Legislative Assembly received the assent of the Governor on the 7th January 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 18, dated the 22nd January 1953.

Orissa Act I of 1953

An Act to amend the Orissa Motor Vehicles (Amendment) Act, 1948.

WHEREAS it is expedient to amend the Orissa Motor Vehicles (Amendment) Act, 1948 (Orissa Act I of 1949) in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Motor Vehicles (Amendment) Amendment Act, 1952.

(2) It shall come into force at once.

2. *Amendment of section 2, Orissa Act I of 1949.*—In section 2 of the Orissa Motor Vehicles (Amendment) Act, 1948 (Orissa Act I of 1949) (hereinafter referred to as the said Act)—

(i) clause (a) shall be omitted ; and

(ii) for clause (b) the following shall be substituted, namely :—

“After clause (29A), the following clause shall be inserted, namely :—

(29B) ‘State Transport Service’ means a service in which the State Government have entire or partial financial interest and which the State Government may, by notification, declare to be a State Transport Service for the purposes of this Act ;”

3. *Amendment of section 5, Orissa Act I of 1949.*—Clause (c) of section 5 of the said Act shall be omitted.

The Orissa Stamp (Surcharge Amendment) (Amendment) Act, 1953.

The following Act of the Orissa Legislative Assembly received the assent of the Governor on the 10th April 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 100, dated the 22nd April 1953.

Orissa Act VII of 1953

An Act further to amend the Orissa Stamp (Surcharge Amendment) Act, 1947

WHEREAS it is expedient further to amend the Orissa Stamp (Surcharge Amendment) Act, 1947 (Orissa Act XXIII of 1947) in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Orissa Stamp (Surcharge Amendment) (Amendment) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 2, Orissa Act XXIII of 1947.*—In section 2 of the Orissa Stamp (Surcharge Amendment) Act, 1947 (Orissa Act XXIII of 1947), after the words “Policies of Insurance” the words “transfer of shares, debentures” shall be inserted and shall always be deemed to have been inserted

3 *Repeal*—The Orissa Stamp (Surcharge Amendment) (Amendment) Ordinance, 1953 (Orissa Ordinance No. 1 of 1953), is hereby repealed.

The Orissa Secondary Education Act, 1953.

The following Act of the Orissa Legislative Assembly received the assent of the Governor on the 23rd May 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 126, dated the 27th May 1953.

Orissa Act X of 1953.

TABLE OF CONTENTS

PREAMBLE

CLAUSES

1. Short title, extent and commencement
2. Definitions
3. Constitution of the Board
4. Term of office of members and filling up of vacancies, etc
5. Publication of names
6. Disqualifications for membership
7. Vacancies
8. Removal from membership
9. Acceptance of resignation
10. Filling up of casual vacancies
11. Powers and functions of the Board
12. Constitution of Board Fund
13. Custody and investment of Board Fund
14. Application of Board Fund
15. Powers and duties of President
16. Delegation of powers to the Vice-President
17. Conduct of meeting
18. Appointment of Secretary

CLAUSES

19. Appointment and Constitution of Committees, etc.
20. Exercise of powers delegated by the Board to Committees, etc
21. Powers of Board to make regulations
22. First Regulations of the Board
23. Proceedings not invalidated by reasons of vacancies
24. Power of Board to make by-laws
25. Continuance of University Statutes and regulations, pending Regulations under this Act.
26. Annual grant to the Utkal University
27. Annual report and budget estimate
28. Accounts
29. Audit
30. Powers of the Auditor
31. Appeal
32. Payment of certified sums
33. Powers of the State Government
34. Power to remove difficulties

An Act to provide for the establishment of a Board to regulate, control and develop Secondary Education in the State of Orissa.

WHEREAS it is expedient to establish a Board to regulate, control and develop Secondary Education in the State of Orissa by providing varied courses with a view to equipping pupils for different occupations, for education in the University and for other cultural purposes, and to examine those who have completed a prescribed course of study and to award certificates to successful candidates and doing all other things incidental thereto ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Orissa Secondary Education Act, 1953.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. *Definitions.*—In this Act and in all regulations made thereunder, unless there is anything repugnant in the subject or context—

(a) "Board" means the Board of Secondary Education constituted under section 3 ;

(b) "examination" means examination conducted by the Board of Secondary Education ;

(c) "examiner" shall include a paper-setter ;

(d) "Government" means Government of the State of Orissa ;

(e) "Headmaster" or "Headmistress" means the head of the teaching staff of a recognised Secondary School by whatever name he or she may be designated ;

(f) "High School" means an Educational Institution preparing candidates for the final examination of the Board and recognised as such by the Board ;

(g) "institution" means an institution imparting Secondary Education and includes part of an institution ;

(h) "Middle School" means a school recognised as such ;

(i) "prescribed" means prescribed by regulations made by the Board under this Act ;

(j) "registered teacher" means a teacher who is registered in pursuance of a regulation made in that behalf by the Board and is engaged in teaching ;

(k) "recognition" means recognition for the purpose of admission to the privileges of the Board including its examination and "recognise" with its grammatical variations shall be construed accordingly ;

(l) "regulation" means a regulation made or deemed to have been made by the Board under this Act ;

(m) "Secondary Education" means such general, special and vocational education forming in itself a complete and purposive whole, which follows immediately such stage of education as has been defined as primary or basic education in the Orissa Basic Education Act, 1951 (Orissa Act XVIII of 1951), and precedes immediately the stage of education controlled by the University established by law in the State of Orissa ;

(n) "State" means the State of Orissa ;

(o) "Secondary School" shall include the following :—

Middle School, Ashram School, High School, Post Basic School, Agricultural High School, Technical High School, Trade School, Industrial School, Senior Technical School, School of Art and Crafts, School of Music, School of Physical Education and such other Institutions as may be recognised by the Board.

(p) "text book" means any book prescribed or recommended for the examination.

3. *Constitution of the Board.*—(1) The State Government shall constitute a Board called the Board of Secondary Education to regulate, control and develop Secondary Education in the State of Orissa.

(2) The Board shall be a body corporate with perpetual succession and a common seal with power to acquire and hold property both moveable and immovable and subject to the provisions of this Act to transfer any property held by it and to contract and do all other things necessary for the purpose of its constitution and may sue or be sued in its corporate name.

(3) The Board shall consist of the following members, namely :—

(a) *Ex-officio* Members—

(i) President of the Board to be appointed as such by the State Government from among the Members of the Board or from outside the Board :

Provided that if the person appointed by the State Government is not in the service of any State Government or the Government of India, the conditions under which he is to hold the office of the President, including his pay, shall be determined by the State Government.

(ii) Vice-President of the Board to be appointed as such by the State Government which such qualifications and such conditions of service as may be determined by them :

Provided that the Office of the Vice-President shall be kept in abeyance in case a non-official is appointed as President.

(iii) Director of Public Instructions, Orissa.

(iv) Principal, Radhanath Training College, Cuttack.

(v) Inspectress of Schools, Orissa.

(vi) Inspectors of Schools of three Circles.

(vii) Inspector of Physical Education.

(viii) Secretary, Board of Basic Education.

(ix) Principal, Sadasiba Sanskrit College, Puri.

(b) Nominated members by the State Government—

(i) One District Inspector of Schools ;

(ii) One nominee each, of Directors of Industries, Agriculture, Health and Animal Husbandry, having special knowledge of the respective subjects ;

(iii) One member representing the Ashram Schools to be nominated by the Government in the Tribal and Rural Welfare Department ;

(iv) Two Headmasters of High Schools and one Headmistress of Girls' High Schools and three registered teachers of High Schools and Post-Basic Schools ;

(v) Two registered teachers of Middle Schools or Senior Basic Schools ;

(vi) Two registered teachers of Girls' Middle or Senior Basic Schools and Girls' High or Post-Basic Schools ;

(vii) Two persons having special knowledge of Basic Education ;

(viii) One teacher from the Orissa School of Engineering ; and

(ix) One technical expert in Arts or Crafts.

(c) Elected members—

(i) Three members of the Orissa Legislative Assembly to be elected from among themselves ;

(ii) Three representatives of the University at least two of whom shall be college teachers to be elected by the Senate.

(4) The Board may co-opt persons not exceeding three as extraordinary members for any special purpose.

4. *Term of office of members and filling up of vacancies, etc.*—(1) Members other than *ex officio* and co-opted members shall hold office for a term of five years from the date of the notification under section 5 unless terminated earlier under sub-section (3) of this section.

(2) The term of office of co-opted members shall terminate on completion of one year from the date of co-option.

(3) As near as may be one-fourth of the nominated and elected members of the Board shall retire in rotation at the end of each year after the second year in the prescribed manner and an equal number shall be nominated or elected to fill the vacancies so caused.

(4) When the term of office of members other than *ex officio* members has expired, the vacancies so arising shall be filled as soon as may be and to this end all necessary steps shall be taken by the Secretary of the Board within three months before the expiry of the said term of office :

Provided that the term of office of the outgoing members shall be deemed to extend to and expire with the date on which the names of their successors elected or nominated, as the case may be, are notified under section 5.

5. *Publication of names.*—The names of persons elected, nominated or co-opted to be members of the Board under section 3 or section 4 shall be notified in the Gazette.

6. *Disqualifications for membership.*—A person shall be disqualified for being elected, nominated or co-opted as a member of the Board or for being appointed as, and for being a member of, any Committee under this Act—

(i) if he directly or indirectly, by himself or by his partner—

(a) has any share or interest in any book published or republished which is intended to be prescribed or recommended as a text-book for the Secondary School course ;

(b) has any share or interest in the business of the publisher of such books ;

(c) has any share or interest in any work done by order of, or in any contract entered into on behalf of the Board ;

(ii) if he is a person against whom an order has been made by the Board terminating his appointment directing that such person shall not be eligible for appointment as an examiner at any time or for any specified period :

Provided that such a person being appointed as an examiner under this Act has been found guilty of negligence or misconduct or of both which has rendered his appointment as an examiner inexpedient :

Provided further that when the order has been made on the ground that such person has been found guilty only of negligence, the disqualification shall cease to have effect after the expiry of the period to be specified in the order.

7. *Vacancies.*—(1) If any member of the Board during the term for which he has been elected, nominated or co-opted absents himself for three consecutive meetings of the Board without permission of the Board, his office shall thereupon become vacant.

(2) If any member of the Board or Committee appointed under this Act during the term for which he has been elected, nominated or co-opted or appointed, as the case may be, becomes subject to any of the disqualifications under section 6, his office shall thereupon become vacant.

(3) Any vacancy caused in pursuance of sub-section (1) or (2) shall be published by the Board in the Gazette.

8. *Removal from membership.*—(1) The State Government may, on recommendation of the Board, remove any member of the Board or Committee; if he has been convicted by a court of law, of any offence which in the opinion of the Board, is a serious offence involving moral turpitude or if he has been found guilty of gross misconduct :

Provided that no recommendation for the removal of any member shall be made by the Board unless the person concerned is given a reasonable opportunity to be heard.

(2) The name of any member who has been removed from the Board or Committee under sub-section (1) shall be published in the Gazette.

9. *Acceptance of resignation.*—(1) No resignation tendered by a member of the Board other than elected members shall be valid until it has been accepted by the State Government and no resignation tendered by a member of a Committee appointed under section 19 shall be valid until it has been accepted by the President of the Board.

(2) Any elected member may resign his seat by writing under his hand addressed to the President and his seat shall thereupon become vacant.

10. *Filling up of casual vacancies.*—All casual vacancies arising out of disqualification, death, resignation or removal among members of the Board or of any Committee appointed by the Board under section 19 other than *ex officio* members shall be filled as soon as may be by election, nomination, co-option or appointment, as the case may be, according to the nature of the vacancy and the person succeeding to such vacancy shall hold office as long as the member in whose place he is elected, nominated, co-opted or appointed would have held it if the vacancy had not occurred.

11. *Powers and functions of the Board.*—Subject to the provisions of this Act, the Board shall have the following powers and functions, namely :—

(a) to prescribe courses of instruction for recognised institutions in such branches of Secondary Education as it may think fit ;

(b) to take steps to co-ordinate Secondary Education with University Education on the one side and Primary or Basic Education on the other ;

(c) to make regulations for the purpose of prescribing and recommending any book as a text-book or a handbook and to undertake compilation and publication of such books ;

(d) to make regulations for imposing penalties for acts of misconduct of students, teachers, examiners, examinees, printers of text-books or question papers and of persons connected with an examination of the Board ;

(e) to conduct examinations based on such courses as may be prescribed ;

(f) to admit candidates to its examinations in accordance with regulations ;

(g) to publish the results of its examinations ;

(h) to grant diplomas or certificates to successful candidates ;

(i) to recommend to Government in respect of teachers and other employees of Secondary Schools or other institutions controlled by it, conditions of service such as appointment, promotion, punishment, transfer, pay, allowances, provident fund, pension and gratuity, if any, age of superannuation, etc., and to incorporate such conditions as approved by Government in the regulations ;

(j) to recommend to Government scales of pay or allowances if and when required by the Government for such of the employees of the Industrial Institutes, Agricultural Farms, Vocational Institutes, Animal Husbandry Centres or Fish Culture Institutes or Laboratories, who may be appointed as part-time teachers or instructors in the Secondary Schools or Institutions duly recognised by the Board ;

(k) to establish, control, regulate or administer new Secondary Schools or Post-Basic Schools subject to approval of the State Government ;

(l) to bring about practical co-ordination between State-owned Industrial Institutes, Factories or Workshops or Vocational Institutes and the Secondary Schools, also between Industrial Establishments and Secondary or Technical Institutions by way of providing systematic practical training which will be complementary to the theoretical instructions at the schools or institutions ;

(m) to bring about practical co-ordination between the State Agricultural Farms either model or experimental, or laboratories, Sylviculture Farms or Nurseries or State Animal Husbandry Centres, Poultry Farms, Dairy Farms or Laboratories or Fish Culture Institutes or Laboratories and the Secondary Schools or Institutions either general, industrial, vocational or technical ;

(n) to provide for the use of land, buildings, implements, instruments, tools and plants, etc., on such terms and conditions as may be agreed upon between the Board and Parties, Farms, Departments, institutes or institutions concerned subject to the approval of the State Government ;

(o) to frame regulations regarding the management of Secondary Schools such as constitution or reconstitution of Managing Committees dissolution thereof when and where necessary, to take over the management under its direct control of such schools other than Government Secondary Schools for such period as may be considered necessary, to assume the ownership of properties of such institutions which would be under its direct control ;

(p) to call for reports from the Department of Public Instruction on the conditions of recognised institutions or of institutions applying for recognition and to direct inspection of such institutions ;

(q) to recognise institutions for the purposes of admitting them to the privileges of the Board including examinations conducted by it ;

(r) to adopt measures to promote the intellectual, physical, moral and social welfare of the students in recognised institutions and to supervise and control the conditions of their residence, health and discipline ;

(s) to organise and provide for lectures, demonstrations, educational exhibitions and to take other measures such as provision of refreshers courses for teachers as may be necessary to promote the standard of Secondary Education ;

(t) to institute and award scholarships, medals and prizes according to a scheme or schemes framed by the Board and approved by the Government ;

(u) to demand and receive such fees as may be prescribed ;

(v) to submit annual accounts and balance sheet together with the annual report of the Board to the State Government for audit and to publish the audited accounts and balance sheet in the Gazette ;

(w) to submit to the State Government its views on any matter with which it is concerned ;

(x) to co-operate with other authorities in such manner and for such purposes as the Board may determine ;

(y) to take measures necessary to provide military education, opportunities for organised social service and such other activities as the Board considers necessary to inculcate in the minds of students enrolled in recognised institutions a high sense of citizenship and to train and prepare them to discharge their civic obligations effectively ;

(z) to furnish to the State Government, such reports, returns and statements as may be prescribed by regulations and such other information relating to any matter under the control of the Board as the State Government may require ; and

(z-i) to do such other acts and things as may be requisite in order to further the object of the Board as a Body constituted to regulate and supervise Secondary Education.

12. Constitution of Board Fund.—The Board shall have a fund called the Board Fund to which shall be credited—

(i) its income from fees, endowments, donation and grants, if any ;

(ii) contributions which may be made by the State Government under such conditions as they may impose ; and

(iii) receipts from other sources.

13. Custody and investment of Board Fund.—All moneys at the credit of the Board Fund shall be kept in the Government treasury or at any bank as the Board may with the previous approval of the State Government determine :

Provided that nothing in this section shall be deemed to preclude the Board from investing with the previous sanction of the State Government, any such moneys as are not required for immediate expenditure in any of the securities described in section 20 of the Indian Trusts Act, 1882 (II of 1882), or placing them in fixed deposit in a bank approved by the State Government.

14. Application of Board Fund.—Subject to the provisions of this Act, the Board Fund shall be applicable only to the payment of the charges and expenses incidental to the several matters specified in this Act and to any other purposes for which by or under this Act powers are conferred or duties imposed upon the Board.

15. Powers and duties of President.—(1) It shall be the duty of the President to see that this Act and the Regulations are faithfully observed and he shall have all powers necessary for this purpose.

(2) The President shall have power to convene meetings of the Board and shall call a meeting at any time after due notice on a requisition stating the business to be brought before the meeting signed by not less than one-third of the total number of members of the Board.

(3) When any emergency arising out of the administrative business of the Board requires in the opinion of the President that immediate action should be taken, the President shall take such action as he deems necessary and report his action to the Board at its next meeting.

(4) The President shall exercise such other powers as may be prescribed.

16. Delegation of powers to the Vice-President.—Subject to such conditions as may be prescribed, the President may at any time by an order in writing delegate all or any of the powers conferred upon him by or under this Act to the Vice-President, which may be at any time withdrawn in the like manner.

17. Conduct of meeting.—The President, or in his absence the Vice-President, or in the absence of both the President and Vice-President one member elected from among those present, shall preside at every meeting

of the Board, and shall be entitled to vote on any matter and shall have and exercise a second or casting vote in every case of equality of votes.

18. Appointment of Secretary.—(1) There shall be a Secretary to the Board and he shall be appointed by the State Government on such terms and conditions as they may determine.

(2) He shall be responsible for—

(a) the preparation of the annual estimates and statement of accounts;

(b) the proper expenditure of moneys on the purpose for which such moneys are granted or allotted;

(c) the keeping of the minutes of the Board; and

(d) exercising such other powers and performing such other duties as may be prescribed.

19. Appointment and constitution of Committees, etc.—(1) The Board shall appoint the following Committees, namely:—

(a) Education Committee;

(b) Syllabus Committees;

(c) An Examination Committee;

(d) A Recognition and Grants Committee;

(e) A Finance Committee;

(f) An Executive Committee;

(g) An Appeal Committee;

(h) A Committee for technical Education; and

(i) Such other Committees, if any, as may be prescribed.

(2) Every such Committee shall consist of such members of the Board and of such other persons, if any, as the Board may think fit.

(3) Members shall hold office for three years in the case of Education, Recognition and Grants, Finance and Executive Committees and a Committee for Technical Education and one year in other cases.

(4) When a person ceases to be a member of the Board, he shall automatically cease to be a member of the Committee to which he had been appointed by the Board.

20. Exercise of powers delegated by the Board to Committees, etc.—(1) If the Board exercises any powers conferred on it by this Act in any matter which have been delegated by the Board to a Committee by a regulation, the Board before exercising any such powers shall receive and consider the report of the Committee with respect to the matter in question.

(2) The members of the Board, and of every Committee constituted under this Act and any person appointed under this Act to inspect the office of the Board or any Secondary School or to audit the accounts of the Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

(3) No suit, prosecution or other legal proceedings whatsoever shall lie against any person for anything said, done, or intended to be done in good faith under this Act.

21. Powers of Board to make regulations.—(1) The Board may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the Board may make regulations providing for all or any of the following matters, namely:—

(a) the constitution, powers and duties of committees appointed under section 19;

(b) the conferment of diplomas and certificates;

(c) the conditions of recognition of institutions for the purposes of admission to the privileges of the Board including its examinations ;

(d) the admission of institutions to the privileges or recognition and the withdrawal of recognition ;

(e) the conditions under which grants-in-aid shall be given to institutions recognised by the Board ;

(f) the recommendation of pay and allowances for teachers and other employees of the Secondary Schools or other institutions controlled by it and conditions of service such as appointment, promotion, punishment, transfer, pay, pension, provident fund, gratuity, if any, and age of superannuation ;

(g) the courses of study to be laid down for all certificates and diplomas ;

(h) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas and certificates ;

(i) the fees for admission to the examinations of the Board ;

(j) the conduct of examinations ;

(k) the appointment of examiners, and their duties and powers in relation to the Board's examinations ;

(l) the appointment of officers, clerks and other servants of the Board and the conditions of their service ;

(m) the constitution of a Provident Fund for the benefit of the officers, clerks and other servants employed by the Board ;

(n) the control, administration, safe custody and management in all respects of the finances of the Board ;

(o) the co-ordination of Agricultural Farms, Industrial or Vocational Institutes, Animal Husbandry Centres, Fish Culture Centres or institutes with the Secondary Schools as and where necessary ;

(p) retirement by rotation of members of the Board nominated or elected ; and

(q) all matters which by this Act are to be or may be provided for by Regulations.

(3) No regulation or addition or amendment to or repeal of the Regulations made by the Board shall be valid without approval of the State Government.

(4) If the State Government do not approve of any regulation, amendment to or repeal of the Regulations submitted by the Board, they shall refer the matter back to the Board for reconsideration and resubmission. In doing so the State Government may give such directions as they consider fit. If the Board do not comply with the said directions within reasonable time, the State Government may make such regulations, addition, amendment or repeal as they consider fit and such regulations, addition, amendment or repeal shall be deemed to have been made by the Board.

22. *First Regulations of the Board* — The first set of Regulations shall be made by the State Government after previous publication, and they shall be deemed to have been made by the Board and continue in force until Regulations are framed by the Board as required under section 21 of this Act, either by revision, addition, alteration or modification.

23. *Proceedings not invalidated by reasons of vacancies.* — No act or proceeding of the Board or of a Committee appointed by it shall be invalid merely by reason of the existence of a vacancy or vacancies among the members of the Board or of the Committee or by reason of any defect in the constitution of the Board or of the Committee.

24. *Power of Board to make bye-laws.*—(1) The Board may make bye-laws consistent with this Act and the Regulations—

(a) laying down the procedure to be observed at meetings and the number of members required to form quorum ;

(b) providing for all other matters solely concerning the Board and Committees appointed by it and not otherwise provided for.

(2) The Board shall make bye-laws providing for the giving of notice to their members and to the members of the Committees of dates of meetings and of the business to be transacted at meetings and for the keeping of a record of the proceedings of meetings.

25. *Continuance of University Statutes and Regulations, pending Regulations under this Act.*—All Statutes and Regulations made under the Utkal University Act, 1943 (Orissa Act XIII of 1943), so far as they relate to the conduct of Matriculation Examinations, shall subject to such adaptations and modifications, if any, as may be made therein by the Board with the approval of the State Government remain in force until the Board makes its Regulations for the said purpose and shall thereafter cease to operate.

26. *Annual grant to the Utkal University* —If in accordance with the provisions of this Act the Utkal University ceases to hold the Matriculation Examination from any particular year, the State Government shall make an annual grant of one lakh and twenty-five thousand of rupees to the said University from and out of the Consolidated Fund of the State with effect from the commencement of the financial year immediately following such year, for a period of five years on the termination of which the State Government may consider whether such grant will be continued and if so, whether unaltered or altered and for what period.

27. *Annual report and budget estimate.*—(1) Except in the year in which the Board is constituted, the President shall present to the annual meeting of the Board a report on the work of the Board during the last preceding financial year, together with a budget estimate showing in the form, prescribed by regulations, the anticipated income and expenditure of the Board during the next succeeding financial year and such report shall be forwarded to the State Government within such time as may be prescribed.

(2) The budget estimate referred to in sub-section (1) shall be presented in such manner as would not result in a deficit ;

Provided that the State Government may under special circumstances sanction a deficit estimate subject to such terms and limitations as they may deem fit to impose.

28. *Accounts.*—The Board shall keep accounts of its receipts and expenditure in the manner and form prescribed.

29. *Audit.*—The accounts of the Board shall be examined and audited at least once each year by an Auditor appointed by the State Government. A copy of the audited accounts together with the Auditor's report shall be published in the Gazette.

30. *Powers of the Auditor.*—(1) The Auditor shall—

(i) disallow any payment which is in contravention of the provisions of this Act or any regulations or bye-laws thereunder or any law for the time being in force and charge it against the person making or authorising it ;

(ii) charge the amount of any deficiency or loss against the person by whose default or negligence such deficiency or loss resulted ;

(iii) charge the amount of any sum which should have been, but has

not been brought into account against the person failing to account for it ;
(iv) in every case of disallowance and charge under this section, certify in writing the amount due from the person against whom the charge is made ; and

(v) send a copy of such certificate to the Board and to the person concerned.

(2) Any person aggrieved by any order of the Auditor under sub-section (1) may prefer an objection in writing to the Auditor within thirty days from the date of the order.

(3) The Auditor may accept or overrule such objection but in case the objection is overruled he shall forthwith send a copy of his order overruling the objection to the person who preferred the objection.

31. Appeal.—An appeal shall lie against the order of the Auditor—

(i) in the case of the President, Vice-President, any member of the Board and the Secretary to the State Government within one month from the date of communication of the order ;

(ii) in the case of any employee of the Board other than the Secretary, from whom an Auditor has certified any sum to be due under section 30 and in the case of any person whose objection has been overruled by the Auditor to the Board within one month from the date of communication of the order complained of ;

(iii) the Board or the State Government shall make on such appeal such order as they think fit, which shall be final :

Provided that the State Government or the Board with the previous sanction of the State Government, as the case may be, may at any time direct that any sum certified under section 30 shall not be realised and such direction shall be final.

32. Payment of certified sums.—(1) Every sum certified under section 30 to be due from any person shall, within two months from the receipt by such person of a copy of the certificate and unless within that period he prefers an appeal under section 31, be paid by him into the Board Fund.

(2) Any sum not paid in accordance with the provisions of sub-section (1) or if the appeal has been made under section 31 such sum as the State Government or the Board as the case may be, may order to be due, shall be recoverable—

(a) in the case of a person in the service of the State Government or a person in the service of the Board by deduction from his salary in accordance with such conditions as may be prescribed, and

(b) in any other case as an arrear of land revenue.

33. Powers of the State Government.—(1) The State Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication and shall furnish an explanation if it fails to take action.

(3) If the Board does not within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act and Regulations as they may think fit, and the Board shall comply with such directions.

(4) When any emergency in the opinion of the State Government requires that immediate action should be taken, the State Government

may take such action consistent with this Act and the Regulations as they deem necessary without previous consultation with the Board, and shall forthwith inform the Board of the action taken.

(5) The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board, the Executive Committee or any Committee constituted under this Act and prohibit the doing of any act which purports to be done or to be intended to be done under this Act, if the State Government, after calling for a report from the Board and considering the same, are of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board, the Executive Committee or such Committee, as the case may be.

(6) The State Government may by an order in writing direct the Board to pay out of the Board Fund the salaries and allowances of its President, Vice-President and the Secretary.

34. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may arise, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

The Orissa Drugs Control (Amendment) Act, 1953.

The following Act of the Orissa Legislative Assembly received the assent of the Governor on the 10th May 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 116, dated the 15th May 1953.

Orissa Act IX of 1953

An Act further to amend the Orissa Drugs (Control) Act, 1950.

WHEREAS it is expedient further to amend the Orissa Drugs (Control) Act, 1950 (Orissa Act V of 1950), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Drugs Control (Amendment) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 10, Orissa Act V of 1950.*—For section 10 of the Orissa Drugs (Control) Act, 1950 (Orissa Act V of 1950), the following section shall be substituted, namely :—

“10. *Marking of prices and exhibiting price list.*—(1) The State Government may, by notification and within such date as may be specified therein, direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale price or to exhibit on the premises a price list of drugs held for sale and a statement of the quantities of such drugs in his possession and may also by notification provide for the manner in which any such direction as aforesaid is to be carried out.

(2) The publication of a notification under sub-section (1) shall be conclusive proof of the fact that the persons hereinbefore specified had knowledge of the directions and the manner of carrying out such directions contained in such notification.

(3) No dealer shall destroy, efface or alter any label or mark affixed to a drug and indicating the price marked by a producer.”

The Orissa Municipal (Amendment) Act, 1953.

The following Act of the Orissa Legislative Assembly received the assent of Governor on the 6th June 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 138, dated the 15th June 1953.

Orissa Act XII of 1953

An Act further to amend the Orissa Municipal Act, 1950.

WHEREAS it is expedient further to amend the Orissa Municipal Act, 1950 (Orissa Act XXIII of 1950), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Municipal (Amendment) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 49, Orissa Act XXIII of 1950.*—For section 49 of the Orissa Municipal Act, 1950 (Orissa Act XXIII of 1950) (hereinafter referred to as the said Act) the following section shall be substituted, namely :—

“49. (1) On the vacation of the office of the Chairman or Vice-Chairman, as the case may be, under sections 48, 52, 53(3) and 54 the councillors present at the meeting shall forthwith elect one of their own number to be the Chairman or Vice-Chairman, as the case may be.

The Chairman in the case of election of Vice-Chairman or the Vice-Chairman in the case of the election of Chairman shall preside and if the Vice-Chairman is a candidate for the office of the Chairman a councillor, elected by the Council for the purpose who does not stand as a candidate for the office of the Chairman, shall preside.

In the case of election of both the Chairman and Vice-Chairman occurring at a time a councillor elected by the Council who does not stand as a candidate for the office of the Chairman or Vice-Chairman shall preside.

The person presiding at such meetings shall have the right to vote.

(2) If the councillors fail to elect a Chairman on vacation of such office under section 48 the existing Chairman shall be deemed not to have vacated office till a new Chairman is elected.”

3. *Amendment of section 64, Orissa Act XXIII of 1950.*—For sub-section (2) of section 64 of the said Act, the following sub-section shall be substituted, namely :—

“(2) If the Chairman or the Vice-Chairman fails to call a special meeting to be held within ten days from the date of receipt of such requisition the meeting may be called on five days' notice by the persons who signed the requisition.”

4. *Amendment of section 74, Orissa Act XXIII of 1950.*—In section 74 of the said Act—

(i) to sub-section (1), the following new proviso shall be added, namely :—

“Provided that the State Government may, on the application of the Municipal Council, appoint by notification, an assessor who shall be a servant of the State Government for such period or periods as the State Government may deem fit, to perform the duties and exercise the functions of the Executive Officer under sections 142, 143 and 145 and his pay and allowances shall be a charge on the Municipal Fund.”

(ii) in the existing first proviso the word ‘further’ shall be inserted after the word ‘Provided’.

5. *Repeal of section 83, Orissa Act XXIII of 1950.*—Section 83 of the said Act shall be omitted.

6. *Amendment of section 117, Orissa Act XXIII of 1950.*—In sub-section (1) of section 117 of the said Act—

(a) in clause (xxxviii) the word 'and' shall be omitted and after the said clause the following new clause shall be inserted, namely :—

"(xxxix) the payment of expenses of the Chairman, Vice-Chairman, Councillor or any officer or servant of the Council in attending any conference or meeting or for any other purpose in the interest of Local authorities concerned ; and

(b) the existing clause (xxxix) shall be renumbered as clause (xl).

7. *Amendment of section 131, Orissa Act XXIII of 1950.*—For clause (a) of sub-section (3) of section 131 of the said Act, the following clause shall be substituted, namely :—

"(a) The Municipal Council may, in the case of lands used exclusively for agricultural purposes, levy the tax mentioned in clause (a) of sub-section (1) at such proportion as it may fix on the annual value of such lands."

8. *Amendment of section 133, Orissa Act XXIII of 1950.*—In sub-section (1) of section 133 of the said Act—

(a) in clause (b) the words "on land, used exclusively for purposes of agriculture or" shall be omitted ; and

(b) after clause (e) the following new clause shall be inserted, namely :—

"(f) That the Dharamsalas may be exempted from water and lighting taxes."

9. *Amendment of section 134, Orissa Act XXIII of 1950.*—In section 134 of the said Act—

(i) for clause (b) the following clause shall be substituted, namely :—

"(b) that the Municipal Councillors at a Meeting shall exempt from payment of the tax, any Dharamasala, Jail, Reformatory, Asylums, Charitable Hospital and Dispensaries or educational Institutions in which an establishment is maintained for the cleaning of latrines, urinals and cesspools therein :

Provided that in the case of Dharamasalas the owner has made efficient arrangements, to the satisfaction of the Municipal Council, for the daily removal therefrom all rubbish and filth."

(ii) to clause (e) the following proviso shall be added, namely :—

"Provided that the tax on a holding for which provision has been made for septic tank latrine a reduction of twenty-five per centum of the tax may be allowed by the Council."

10. *Amendment of section 135, Orissa Act XXIII of 1950.*—In sub-section (1) of section 135 of the said Act after clause (e) the following new clause shall be inserted, namely :—

"(f) that the Dharamasalas may be exempted from the tax."

11. *Amendment of section 137, Orissa Act XXIII of 1950.*—In section 137 of the said Act, the proviso to sub-section (2) shall be omitted.

12. *Repeal of section 151, Orissa Act XXIII of 1950.*—Section 151 of the said Act shall be omitted.

13. *Amendment of section 153, Orissa Act XXIII of 1950.*—The proviso to sub-section (2) of section 153 of the said Act shall be omitted.

14. *Amendment of section 156, Orissa Act XXIII of 1950.*—In sub-section (2) of section 156 of the said Act, the words 'contain the grounds and' shall be inserted immediately before the words 'be final'.

15. *Amendment of section 186, Orissa Act XXIII of 1950.*—In the proviso to sub-section (1) of section 186 of the said Act, the words 'other

than a bicycle' shall be inserted immediately after the words 'or cart'.

16. *Insertion of a new section 273-A in Orissa Act XXIII of 1950.*—After section 273 of the said Act, the following new section shall be inserted, namely :—

“273-A. *Demolition or alteration of building work unlawfully commenced, carried on or completed*—(1) If the Executive Officer is satisfied—

(i) that the construction or reconstruction of any building or well—

(a) has been commenced without obtaining the permission of the Executive Officer or where an appeal has been preferred to the Council, in contravention of any order passed by the Council in appeal, or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(c) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or bye-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or bye-laws ; or

(ii) that any alterations required by any notice issued under section 271 have not been duly made ; or

(iii) that any alterations of or addition to any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in breach of section 273, he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the Executive Officer, has been unlawfully executed or to make such alterations as may in the opinion of the Executive Officer be necessary to bring the work into conformity with the Act, bye-laws, rules, direction or requisition as aforesaid, or with the plans and particulars on which such permission or order was based ; and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The Executive Officer shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be mentioned in such notice why the order shall not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the Executive Officer, the Executive Officer may confirm the order with any modification he may think fit to make, and such order shall then be binding on the owner.”

17. *Insertion of a new section 385 A in Orissa Act XXIII of 1950.*—After section 385 of the said Act, the following section shall be inserted, namely :—

“385-A. *Penalty for unlawful building*—If the construction or reconstruction of any building or well—

(a) is commenced without the permission of the Executive Officer, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or bye-law made hereunder or of any direction or requisition lawfully given or made ; or

if any alterations or additions required by any notice issued under section 271 or section 273 are not duly made ; or

if any person to whom a direction is given by the Executive Officer to alter or demolish a building or well under section 273-A fails to obey such direction ;

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a building to five hundred rupees and in the case of a well or hut to fifty rupees and to a further fine which may extend in the case of a building to one hundred rupees and in the case of a well or hut to ten rupees, for each day during which the offence is proved to have continued after the first day."

18. *Amendment of section 387, Orissa Act XXIII of 1950.*—In subsection (2) of section 387 of the said Act—

(a) for the second proviso to clause (ii) the following proviso shall be substituted, namely :—

"Provided further that where the candidate is a member of the Scheduled Castes and Scheduled Tribes the deposit required shall be fifty rupees."

(b) in clause (vii) the word 'conduct' shall be inserted immediately after the words 'leave allowances'.

(c) for clause (x) the following clause shall be substituted, namely :—

'(x) as to the accounts to be kept by Municipal Council'.

(d) clauses (xi), (xii) and (xvi) shall be omitted.

(e) in clause (xviii) the words 'auditors' and 'audit' shall be omitted.

(f) clauses (xxvi), (xxxi), (xxxviii) and (xxxix) shall be omitted.

19. *Amendment to Schedule I, Orissa Act XXIII of 1950.*—In Schedule I to the said Act after the entry—

"Bihar and Orissa Act III of 1935.	The Bihar and Orissa Municipal (Amendment) Act, 1935.	The whole.
---------------------------------------	--	------------

in columns 1 to 3 the following new entries shall be inserted, namely :—

"Orissa Act VI of 1940.	The Bihar and Orissa Municipal (Amendment) Act, 1940.	The whole.
----------------------------	--	------------

Orissa Act XI of 1943.	The Bihar and Orissa Municipal (Amendment) Act, 1943.	The whole."
---------------------------	--	-------------

20. *Amendment to Schedule IV, Orissa Act XXIII of 1950.*—In Schedule IV to the said Act after the entry—

"177. Failure to furnish statement of carriages, carts, Ten rupees"
horses and other animals liable to taxation or
furnishing incorrect statement.

in columns 1 to 4 the following new entry shall be inserted, namely :—

"179. (3) Failure to affix municipal number plate to Ditto"
cart or carriage.

The Central Provinces Tenancy (Orissa Amendment of C.P.

Act XI of 1898) Act, 1953.

Received the assent of the President on the 30th June 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 148, dated the 9th July 1953.

Orissa Act XIII of 1953

An Act further to amend the Central Provinces Tenancy Act, 1898, in its application to the State of Orissa.

WHEREAS it is expedient further to amend the Central Provinces Tenancy Act, 1898 (Central Provinces Act XI of 1898), in its application to the State of Orissa in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Central Provinces Tenancy (Orissa Amendment of C. P. Act XI of 1898) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 46, C. P. Act XI of 1898.*—In section 46 of the Central Provinces Tenancy Act, 1898 (Central Provinces Act XI of 1898) (hereinafter referred to as the said Act),—

(i) the proviso to sub-section (1) shall be omitted ;

(ii) for sub-section (2) the following sub-section shall be substituted, namely :—

“(2) An occupancy tenant shall not transfer his holding or any portion thereof except to the extent and in the manner hereinafter provided, namely :—

(a) He may sublet his right in his holding or any portion thereof for one agricultural year ; provided that no contract for such lease shall be made more than four months before the year to which it relates, or shall contain a clause for renewal

(b) An occupancy tenant shall have the right to transfer his holding or any portion thereof either by sale or mortgage or gift or bequest or otherwise to a *bonafide* agriculturist :

Provided that if he is a member of a Scheduled Tribe, he shall not so transfer to any person who is not a member of the same or different Scheduled Tribe except with the previous permission in writing of the Deputy Commissioner.

Explanation—An agriculturist is a person who holds land for the purpose of cultivating it by himself or by members of his family or by hired servants and includes an agricultural labourer.

(c) All such transfers except in case of a bequest or a lease as contemplated under clause (a) shall be by a registered document.”

(iii) for sub section (3) the following sub-section shall be substituted, namely :—

“(3) The holding of an occupancy tenant shall be saleable by Court in execution of a rent decree or any other decree :

Provided that if the holding belongs to a member of a Scheduled Tribe the sale other than sale held for recovery of the dues of a Society registered under any Co-operative Societies Act or for recovery of an advance made to him under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists Loans Act, (XII of 1884), shall not be held unless the decree-holder obtains the previous permission in writing of the Deputy Commissioner ”

(iv) sub-sections (4) and (5) shall be omitted ;

(vi) after sub-section (3) as so substituted in clause (iii) above the following sub-section shall be added, namely :—

“(4) If any transfer is made in contravention of the provisions of this section, the Deputy Commissioner may, either on his own motion or on application by the transferor or his successor-in-interest, declare the transfer void and evict the transferee from the holding or a part of the holding as the case may be :

Provided that no such transfer shall be declared void or such transferee liable to eviction after the expiry of twelve years from the date of his coming into possession of the holding or a part of the holding in pursuance of such transfer.”

3. *Repeal of section 47, C.P. Act XI of 1898.*—Section 47 of the said Act shall be omitted.

4. *Repeal of section 48, C.P. Act XI of 1898.*—Section 48 of the said Act shall be omitted.

**The Central Provinces Tenancy (Orissa Amendment of C. P.
Act I of 1920) Act, 1953.**

Received the assent of the President on the 2nd July 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 151, dated the 15th July, 1953.

Orissa Act XV of 1953.

An Act to amend the Central Provinces Tenancy Act, 1920, in its application to the State of Orissa.

WHEREAS it is expedient to amend the Central Provinces Tenancy Act, 1920 (C. P. Act I of 1920), in its application to the State of Orissa in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Central Provinces Tenancy (Orissa Amendment of C. P. Act I of 1920) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 12, C. P. Act I of 1920.*—In section 12 of the Central Provinces Tenancy Act, 1920 (C. P. Act I of 1920) (hereinafter referred to as the said Act).—

(i) for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) An occupancy tenant shall not transfer his holding or any portion thereof except to the extent and in the manner hereinafter provided, namely :—

(a) He may sublet his right in his holding or any portion thereof for one agricultural year ; provided that no contract for such lease shall be made more than four months before the year to which it relates, or shall contain a clause for renewal ;

(b) An occupancy tenant shall have the right to transfer his holding or any portion thereof either by sale or mortgage or gift or bequest or otherwise to a bonafide Agriculturist :

Provided that if he is a member of a Scheduled Tribe, he shall not so transfer to any person who is not a member of the same or different Scheduled Tribe except with the previous permission in writing of the Deputy Commissioner.

Explanation.—An agriculturist is a person who holds land for the purpose of cultivating it by himself or by members of his family or by hired servants and includes an agricultural labourer.

(c) All such transfers except in case of a bequest or a lease as contemplated under clause (a) shall be by a registered document.”

(ii) for sub section (2) the following sub-section shall be substituted, namely :—

“(2) The holding of an occupancy tenant shall be saleable by Court in execution of a rent decree or any other decree :—

Provided that if the holding belongs to a member of a Scheduled Tribe the sale other than a sale held for recovery of the dues of a Society registered under any Co-operative Societies Act shall not be held unless the decree-holder obtains the previous permission in writing of the Deputy Commissioner.”

(iii) sub-sections (3-a), (3-b) and (4) shall be omitted.

(iv) after sub-section (3) the following sub-section shall be inserted, namely :—

“(4) If any transfer is made in contravention of the provisions of this section, the Deputy Commissioner may, either on his motion or on

application by the transferor or his successor-in-interest, declare the transfer void and evict the transferee from the holding or a part of the holding, as the case may be :

Provided that no such transfer shall be declared void or such transferee liable to eviction after the expiry of twelve years from the date of his coming into possession of the holding or a part of the holding in pursuance of such transfer."

3. *Repeal of section 13, C. P. Act I of 1920*—Section 13 of the said Act shall be omitted and section 12-A shall be renumbered as section 13.

4. *Repeal of section 14, C. P. Act I of 1920*—Section 14 of the said Act shall be omitted.

The Orissa Agriculture (Amendment) Act, 1953.

Received the assent of the Governor on the 5th July 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 160, dated the 11th July 1953.

Orissa Act XIV of 1953.

An Act further to amend the Orissa Agriculture Act, 1951.

WHEREAS it is expedient further to amend the Orissa Agriculture Act, 1951 (Orissa Act XVI of 1952) in the manner hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Agriculture (Amendment) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 61, Orissa Act XVI of 1952.*—In section 61 of the Orissa Agriculture Act, 1951 (Orissa Act XVI of 1952), for the words "ten lakhs" the words "not less than a lakh" shall be substituted.

The Orissa Appropriation Act, 1953.

Received the assent of the Governor on the 31st March 1953 and was published in the *Orissa Gazette*, Extraordinary, No. 77, dated the 31st March 1953.

Orissa Act III of 1953.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Orissa for the service of the year ending on the thirty first day of March 1953.

BE it enacted by the Legislature of the State of Orissa as follows :—

1. *Short title.* This Act may be called the Orissa Appropriation Act, 1953.

2. *Issue of Rs. 40,85,548 out of the Consolidated Fund of Orissa for the year 1952-53.*—From and out of the Consolidated Fund of Orissa there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees forty lakhs, eighty-five thousand, five hundred and forty-eight towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1953, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of Orissa by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1953.

SCHEDULE

[For the Schedule, see the *Orissa Gazette*, Extraordinary, No. 77, dated the 31st March 1953, pages 2 to 4. *Editor.*]

PART VII

BIHAR ACTS & ORDINANCES

The Bihar Appropriation (No. 2) Act, 1952.

Bihar Act XII of 1952.

CONTENTS

Sections.

1. Short title.
2. Issue of Rs. 41,66,35,713 out of the Consolidated Fund of the State of Bihar for the year ending 31st March, 1953.
3. Appropriation.

THE SCHEDULE.

The Bihar Appropriation (No. 2) Act, 1952.

Received the assent of the Governor on the 29th June, 1952 and was published in the *Bihar Gazette*, Extraordinary, dated the 1st July, 1952.

Bihar Act XII of 1952.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1953.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1953 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Appropriation (No. 2) Act, 1952.

2. *Issue of Rs. 41,66,35,713 out of the Consolidated Fund of the State of Bihar for the year ending 31st March, 1953.*—From and out of the Consolidated Fund of the State of Bihar, there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 6 of the Schedule to the Bihar Appropriation (Vote on Account) Act, 1952] (Bihar Act V of 1952) to the sum of forty-one crores, sixty-six lakhs and thirty-five thousand seven hundred and thirteen rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1953, in respect of the services specified in column 3 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for and in respect of the services and purposes specified in the Schedule in relation to the year ending on the thirty-first day of March, 1953.

THE SCHEDULE.
(See SECTIONS 2 AND 3.)

Grant no. 1	Grant Appropriation no. 2	Service and purposes to which the appropriation relates. 3	Sums not exceeding—		Total. 6
			Grants made by the Bihar Legislative Assembly. 4	Charged on the Consolidated Fund of the State. 5	
			Rs.	Rs.	Rs.
1	1	Taxes on income other than Corporation tax.	3,78,520	...	3,78,520
2	2	Land Revenue ...	45,39,092	...	45,39,092
3	3	State Excise ...	47,51,364	...	47,51,364
4	4	Stamps ...	8,65,325	...	8,65,325
5	5	Forest	53,79,821	...	53,79,821
6	6	Registration ...	15,59,989	...	15,59,989
7	7	Charges on account of Motor Vehicles Act.	3,52,982	...	3,52,982
8	8	Other taxes and duties ..	11,00,050	...	11,00,050
9	9	Irrigation ..	4,55,55,794	27,73,956	4,83,29,750
10	10	Interest on debts and other obligations.	...	5	5
11	11	Appropriation for reduction and avoidance of debt.	...	—	...
12	12	General Administration	1,63,16,173	8,08,739	1,71,24,912
13	13	General Administration (Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes).	29,92,769	...	29,92,769
14	14	Administration of Justice	72,42,002	14,33,536	86,75,538
15	15	Jails and Convict Settlements ...	87,19,561	...	87,19,561
16	16	Police ...	3,81,62,010	...	3,81,62,010
17	17	Scientific Department's ...	57,755	...	57,755
18	18	Education ...	4,11,94,311	...	4,11,94,311
19	19	Medical ...	98,92,108	...	98,92,108
20	20	Public Health ...	1,02,55,425	5,500	1,02,60,925
21	21	Agriculture ...	1,83,62,212	...	1,83,62,212
22	22	Veterinary ...	25,12,245	...	25,12,245
23	23	Co-operation ...	17,93,648	...	17,93,648
24	24	Industries and Supplies	39,96,340	...	39,96,340
25	25	Aviation ...	3,75,485	...	3,75,485
26	26	Miscellaneous Departments ...	7,78,045	...	7,78,045
27	27	Miscellaneous Departments (Collection of Crop statistics and expenses in connection with the working of Bihar Mica Act),	20,80,262	...	20,80,262
28	28	Civil Works ...	5,84,54,868	2,42,300	5,86,97,168

Grant no.	Grant Appropriation no.	Service and purposes to which the appropriation relates.	Sums not exceeding—		Total.
			Grants made by the Bihar Legislative Assembly	Charged on the Consolidated Fund of the State.	
1	2	3	4	5	6
29	29	Public Works—Establishment, Tools and Plant.	35,30,400	...	35,30,400
30	30	Electricity Schemes ...	1,41,94,452	1,19,716	1,43,14,168
31	31	Famine ...	99,75,000	...	99,75,000
32	32	Pensions ...	94,36,162	1,61,100	95,97,262
33	33	Stationery and Printing ...	33,80,176	...	33,80,176
34	34	Miscellaneous ...	64,17,529	200	64,17,729
35	35	Miscellaneous (Public Relations Department) ...	6,25,535	...	6,25,535
36	36	Miscellaneous (Expenditure on Displaced persons) ...	62,029	...	62,029
37	37	Extraordinary charges	17,48,435	...	17,48,435
38	38	Civil Defence ..	11,226	...	11,226
39	39	Capital outlay on Industrial Development.	40,03,796	...	40,03,796
40	40	Capital outlay on Multi-purposes River Schemes.	3,33,92,003	...	3,33,92,003
41	41	Capital outlay on State Schemes of Government Trading.	12,84,182	...	12,84,182
42	42	Loans and Advances bearing interest.	2,44,98,880	...	2,44,98,880
43	43	Interest-free Advances...	5,37,200	...	37,290
44	44	Road Transport ...	1,03,25,500	...	1,03,25,500
		Grand Total ...	41,10,90,661	55, 45,052	41,66,35,713

The Bihar Town Planning and Improvement Trust (Amendment) Act, 1952.

Bihar Act XIV of 1952.

CONTENTS

Sections.

1. Short title.
2. Amendment of section 2 of Bihar Act XXXV of 1951.
3. Amendment of section 4 of Bihar Act XXXV of 1951.
4. Amendment of section 28 of Bihar Act XXXV of 1951.
5. Insertion of new section 155A in Bihar Act XXXV of 1951.

The Bihar Town Planning and Improvement Trust (Amendment) Act, 1952.

Received the assent of the Governor on the 4th August, 1952, and was published in the *Bihar Gazette*, Extraordinary, dated the 11th August, 1952.

Bihar Act XIV of 1952.

An Act to amend the Bihar Town Planning and Improvement Trust Act, 1951.

Whereas it is expedient to amend the Bihar Town Planning and Im-

4 THE BIHAR TOWN PLANNING AND IMPROVEMENT TRUST (AMENDMENT) ACT, 1952. [1953

provement Trust Act, 1951 (Bihar Act XXXV of 1951), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Town Planning and Improvement Trust (Amendment) Act, 1952.

2. *Amendment of section 2 of Bihar Act XXXV of 1951.*—In section 2 of the Bihar Town Planning and Improvement Trust Act, 1951 (Bihar Act XXXV of 1951) (hereinafter referred to as the said Act)—

(a) at the end of clause (4), the following words and figures shall be added, namely :—

“and members of a Committee appointed under section 3 of the Patna Administration Act, 1915” (B. and O. Act I of 1915); and

(b) in clause (8), after the word and figure “section 1”, the following words shall be added, namely :—

“and includes any area comprised within the limits of a municipal corporation established and constituted under any law for the time being in force.”

3. *Amendment of section 4 of Bihar Act XXXV of 1951.*—After the second proviso to sub-section (1) of section 4 of the said Act, the following proviso shall be added, namely :—

“Provided also that where the jurisdiction of the Trust extends over more than one municipality, the Chairman of every such municipality and two persons to be elected by the Commissioners of every such municipality in the manner aforesaid shall, for the purposes of clauses (b) and (g) respectively, be the Trustees.”

4. *Amendment of section 28 of Bihar Act XXXV of 1951.*—In section 28 of the said Act—

(a) in clause (a), for the word “two”, the word “three” shall be substituted ; and

(b) in clause (b), for the words “in the case of officers and servants whose monthly salary exceeds two hundred rupees”, the words “in the case of officers and servants whose total monthly salary or the maximum monthly salary of whose post exceeds three hundred rupees” shall be substituted.

5. *Insertion of new section 155A in Bihar Act XXXV of 1951.*—After section 155 of the said Act, the following section shall be inserted, namely :—

“155A. *Construction of references.*—Where a municipal corporation has been established and constituted under any law for the time being in force, then, unless a different intention appears,—

(a) all references to the municipal area shall be construed as references to the area within the limits of the municipal corporation ;

(b) all references to the municipality shall be construed as references to the municipal corporation ;

(c) all references to the Chairman of the municipality shall be construed as references to the Chief Executive Officer ;

(d) all references to the Commissioners of the municipality shall be construed as references to the Councillors of such municipal corporation ; and

(e) all references to the Bihar and Orissa Municipal Act, 1922 (B. & O. Act VII of 1922), shall, as far as possible, be construed as references to the law establishing and constituting the municipal corporation.”

The Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-holders (Vested Estates and Tenures) Ordinance, 1952.

The following Ordinance promulgated by the Governor of Bihar under clause (1) of Article 213 of the Constitution of India, on the 17th December 1952 was published in the *Bihar Gazette*, Extraordinary, dated the 17th December 1952 [Vide Notification No. LG 1-089/52-Leg.—2281, of the Legislative Department, dated the 17th December 1952.]

Bihar Ordinance No VI of 1952.

An Ordinance to provide facilities for the recovery of arrears of rents including royalties, cesses and interest, due to an outgoing proprietor or tenure-holder of an estate or tenure vested in the State of Bihar in consequence of the operation of the provisions of the Bihar Land Reforms Act, 1950.

WHEREAS the Legislature of the State of Bihar is not in session :

AND WHEREAS outgoing proprietors and tenure-holders of certain estates and tenures, vested in the State of Bihar in consequence of the operation of the provisions of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), have represented to the State Government that considerable difficulties are being experienced by them in realising arrears of rents including royalties, cesses and interest due to them from tenants and lessees of such estates or tenures before the date of vesting, that arrangements for a speedy realisation of such arrears should be made by the State Government and that out of the actual collection, a sum equivalent to fifty *per centum* may be delivered to them and the remainder retained by the State Government to meet the cost of collection and other incidental expenses incurred by it in connection therewith ;

AND WHEREAS the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to provide facilities for a speedy realisation of such arrears of rents, including royalties, cesses and interest, due to the outgoing proprietors and tenure-holders before the date of vesting of such estates or tenures ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and extent.*—(1) This Ordinance may be called the Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-holders (Vested Estates and Tenures) Ordinance, 1952.

(2) It extends to the whole of the State of Bihar.

2. *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “arrears of rents” include arrear of cesses and royalties and any arrear dues in respect of a lease of an estate or tenure ;

(b) “prescribed” means prescribed by rules made under this Ordinance ; and

(c) all words and expressions used in this Ordinance but not defined and defined in the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950) (hereinafter referred to in this Ordinance as the said Act) shall have the same meanings as in the said Act.

3. *Application by outgoing proprietors or tenure-holders for recovery of arrears of rents due to them before the date of vesting of their estates or tenures in the State.*—(1) Where an estate or tenure of a proprietor or tenure-holder vests in the State in consequence of the operation of the provisions of the said Act, the outgoing proprietor or tenure-holder of such estate or tenure may, if he so desires, at any time within three months from the date of vesting or from the date of the commencement of this Ordinance, whichever is later, make to the Collector, in the prescribed manner, an application in the prescribed form requesting that all arrears of rents together with interest, if any, due to him from tenants or lessees of such estate or tenure for any period prior to the date of vesting, which were recoverable by him in respect of such estate or tenure and the recovery of which is not barred by any law of limitation, may be recovered by the State Government and that, out of the actual collection of such arrears of rents, a sum equivalent to fifty *per centum* may be delivered to him and the remainder retained by the State Government to meet the cost of collection and other incidental expenses incurred by it in connection therewith.

(2) On receipt of an application by the Collector under sub-section (1), the State Government shall, subject to the provisions of this Ordinance, have power to recover all arrears of rents due to the proprietor or tenure-holder of such estate or tenure from tenants or lessees thereof for any period prior to the date of vesting, which were recoverable by him in respect of such estate or tenure and the recovery of which is not barred by any law of limitation.

(3) Every application under sub-section (1) shall be accompanied by all documents, papers and registers relating to such estate or tenure, as are referred to in section 56 or 57 of the Bihar Tenancy Act, 1885 (VIII of 1885), or section 54 of the Chota Nagpur Tenancy Act, 1908 (Ben. Act VI of 1908), or section 46 or 47 of the Santal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XIV of 1949), and are commonly known as counter-foil of receipts, statement of accounts, *jama-bandā* books or *jama-wasuli* books, the mutation papers, a detailed statement of the arrears of rents due in respect of such estate or tenure together with a list of all buildings in such estate or tenure used primarily as office or *cutchery* for the collection of rent and no application under this section shall be entertained by the Collector unless it is accompanied by such documents, papers and registers.

(4) On receipt of an application under sub-section (1), the Collector may, with the previous sanction of the State Government, either—

(a) admit such application and proceed to dispose of it in the manner provided in sub-section (5), (6) or (7), or

(b) reject it without assigning any reason.

(5) Subject to any general or special order of the State Government or any officer empowered by it in this behalf, no application shall be admitted by the Collector under sub-section (4) unless he is satisfied by a local inquiry, inspection or otherwise that—

(a) the claim of the proprietor or tenure-holder to the arrears of rents in respect of which he has made such application is generally admitted by the defaulting tenants or lessees, or that there is no dispute with regard to such claim, or

(b) the documents, papers and registers relating to the estate or tenure accompanying such application have been properly maintained and are trust worthy.

(6) Where a tenant or lessee of such estate or tenure admits his liability to pay the arrears of rents in respect of which an application has been made under sub-section (1) and such application has been admitted by the Collector under clause (a) of sub-section (4), the Collector shall cause the arrears of rents due from such tenant or lessee to be realised through the collecting staff of the State Government and all moneys so realised shall be deemed to be an acquittance to the extent paid for such arrears of rents.

(7) Where tenants or lessees of such estate or tenure do not admit their liability to pay the arrears of rents in respect of which such application has been made and the Collector is satisfied that the documents, papers and registers relating to the estate or tenure accompanying such application have been properly maintained and are trustworthy, the amount of the arrears of rents due from the tenants or lessees of such estate or tenure shall be deemed to be a public demand payable to the Collector and shall be recoverable under the procedure provided in the Bihar and Orissa Public Demands Recovery Act, 1914 (B. & O. Act IV of 1914).

(8) Where the proprietor or tenure-holder of such estate or tenure files before the Collector a certified copy of a decree of the competent Court for the arrears of rents due from a tenant or lessee of such estate or tenure, the Collector shall proceed to act in accordance with the provisions of sub-section (7) and the amount mentioned in the decree shall be payable to the Collector.

4. *Disposal of moneys received under this Ordinance.*—All moneys received under this Ordinance shall in the first instance be credited to the Consolidated Fund of the State and out of the sum so credited—

(1) there shall be—

(a) deposited under the appropriate head under "Cess" the amount received from the tenure-holders and the *raiya*s of an estate on account of the arrears of cesses due from them, and

(b) paid, subject to the provisions of this Ordinance and the rules made thereunder and in the prescribed manner, to the proprietor or tenure-holder a sum equivalent to fifty *per centum* of the amount of the arrears of rents (exclusive of cesses) realised under the provision of this Ordinance after deducting therefrom the proprietor's share of the arrears of cesses payable in respect of such estate, and

(2) the balance shall be retained by the State Government.

5. *Bar to jurisdiction of Civil Courts in certain matters.*—No suit shall be brought in any Civil Court in respect of any order passed by the Collector under this Ordinance or in respect of any matter relating to the method of collection or the correctness or otherwise of the amount collected or the payment of any amount to a proprietor or tenure-holder :

Provided that no order of the Collector rejecting an application under clause (b) of sub-section (4) of section 3 shall be deemed to bar the jurisdiction of the Civil Court from entertaining a suit for the recovery of the arrears of rents in respect of which such application was made.

8 THE BIHAR RECOVERY OF ARREARS OF RENTS OF OUTGOING [1953
PROPRIETORS AND TENURE-HOLDERS (VESTED ESTATES AND TENURES)
ORDINANCE, 1952.

6. *Protection to persons acting under this Ordinance.*—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or purported to be done under this Ordinance.

7. *Power to make rules.*—(1) The State Government may make rules, not inconsistent with the provisions of this Ordinance, for carrying out the purposes of this Ordinance

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form and the manner in which an application under subsection (1) of section 3 shall be made ;

(b) the procedure to be followed and the principles to be applied by the Collector in determining the trustworthiness of the papers relating to an estate or tenure submitted by a proprietor or tenure-holder under subsection (3) of section 3 ;

(c) the particulars of collections to be furnished to a proprietor or tenure-holder during every quarter ;

(d) the manner in which, and the intervals at which, any payments under this Ordinance shall be made to a proprietor or tenure-holder ; and

(e) any other matter by this Ordinance required, or expressly or impliedly authorised, to be prescribed.

R. R. DIWAKAR,
Governor of Bihar.

The 17th December, 1952.

The Bihar Essential Articles Control (Temporary Powers) Continuance Ordinance, 1952.

The following Ordinance promulgated by the Governor of Bihar under clause (1) of Article 213 of the Constitution of India, on the 26th December 1952, was published in the *Bihar Gazette*, Extraordinary, dated the 29th December 1952 [Vide Notification No. LG-2-05/52-Leg.—2332, of the Legislative Department, dated the 27th December 1952.]

Bihar Ordinance No. VII of 1952.

An Ordinance to continue in force the Bihar Essential Articles Control (Temporary Powers) Act, 1947.

WHEREAS the Legislature of the State of Bihar is not in session ;

AND WHEREAS the life of the Bihar Essential Articles Control (Temporary Powers) Act, 1947 (Bihar Act IV of 1947), expires on the 31st December, 1952 ;

AND WHEREAS the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to continue in force the Bihar Essential Articles Control (Temporary Powers) Act, 1947 (Bihar Act IV of 1947), and to amend it in the manner hereinafter appearing ;

AND WHEREAS the instructions of the President have been obtained under the proviso to clause (1) of Article 213 of the Constitution of India ;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title.*—This Ordinance may be called the Bihar Essential Articles Control (Temporary Powers) Continuance Ordinance, 1952.

2. *Continuance of Bihar Act IV of 1947.*—Notwithstanding anything contained in sub-section (3) of section 1 of the Bihar Essential Articles (Temporary Powers) Act, 1947 (Bihar Act IV of 1947), (hereinafter referred to as the said Act), the said Act, as amended by this Ordinance, shall continue in force for so long as this Ordinance remains in force.

3. *Amendment of section 3 of Bihar Act IV of 1947.*—After sub-section (2) of section 3 of the said Act, the following sub-section shall be added, namely :—

“(3) Nothing in sub-section (1) or (2) shall confer or be deemed to confer any power or authority on the State Government to make any order for directing, maintaining or increasing the supply or production of any essential article or class of essential articles manufactured or produced by any industrial undertaking or undertakings pertaining to any of the industries specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (LXV of 1951), and any order made by the State Government under this section controlling the prices, or regulating or prohibiting the distribution, of any such essential article or class of essential articles shall have effect subject to the provisions of the said Act or to any order issued thereunder by the Central Government.”

4. *Amendment of the Schedule to Bihar Act IV of 1947.*—In the Schedule appended to the said Act, the following entry shall be omitted, namely :—

"13, Cycles, cycle spare parts and accessories."

The 26th December, 1952.

R. R. DIWAKAR,
Governor of Bihar.

**The Bihar Premises Requisition (Temporary Provisions)
Continuance Ordinance, 1953.**

The following Ordinance, promulgated by the Governor of Bihar under clause (1) of Article 213 of the Constitution of India, on the 3rd January 1953 was published in the *Bihar Gazette*, Extraordinary, dated the 8th January 1953 [Vide Notification No. LG.2-07/52-Leg.—14 of the Legislative Department, dated the 7th January 1953.]

Bihar Ordinance No. I of 1953.

An Ordinance to continue in force the Bihar Premises Requisition (Temporary Provisions) Act, 1949.

WHEREAS the Legislature of the State of Bihar is not in session ;

AND WHEREAS the period for which the Bihar Premises Requisition (Temporary Provisions) Act, 1949 (Bihar Act XV of 1950), was enacted, expires on the 27th day of January, 1953 ;

AND WHEREAS the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to continue in force the Bihar Premises Requisition (Temporary Provisions) Act, 1949 (Bihar Act XV of 1950) ;

AND WHEREAS the instructions of the President have been obtained under the proviso to clause (1) of Article 213 of the Constitution of India ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title.*—This Ordinance may be called the Bihar Premises Requisition (Temporary Provisions) Continuance Ordinance, 1953.

2. *Continuance of Bihar Act XV of 1950.*—Notwithstanding anything contained in sub-section (3) of section 1 of the Bihar Premises Requisition (Temporary Provisions) Act, 1949 (Bihar Act XV of 1950), the said Act shall continue in force for so long as this Ordinance remains in force.

The 3rd January, 1953.

R. R. DIWAKAR,
Governor of Bihar.

The Bihar Molasses (Cess on Sales) Ordinance, 1953.

The following Ordinance promulgated by the Governor of Bihar under clause (1) of Article 213 of the Constitution of India, on the 25th January, 1953 was published in the *Bihar Gazette*, Extraordinary, dated the 25th January 1953 [Vide Notification No. LG.2-01/53 Leg.—214, of the Law Department dated the 25th January 1953]

Bihar Ordinance No. II of 1953.

An Ordinance to provide for the levy of cess on the sale of molasses in the State of Bihar.

WHEREAS the Legislature of the State of Bihar is not in session ;

AND WHEREAS the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and extent.*—(1) This Ordinance may be called the Bihar Molasses (Cess on Sales) Ordinance, 1953.

(2) It shall extend to the whole of the State of Bihar.

2. *Definitions*—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “mixing depot” means the premises where under a licence granted under section 12 of the Bihar Power Alcohol Act, 1948 (Bihar Act XIX of 1948), power alcohol may be mixed with petrol ;

(b) “power alcohol” shall have the same meaning as is assigned to it by the Bihar Power Alcohol Act, 1948 (Bihar Act XIX of 1948) ; and

(c) the words “factory”, “occupier of a factory” and “molasses” have the meanings respectively assigned to them in the Bihar Molasses (Control) Act, 1947 (Bihar Act VI of 1947).

3. *Levy of cess.*—(1) The State Government may, by notification, levy a cess not exceeding eight annas a maund on the sale of molasses by the owner or occupier of a factory :

Provided that no such cess shall be levied on the molasses sold to distilleries for the manufacture of country spirit or power alcohol for supply to country spirit ware-houses or mixing depôts under the control of the State Government.

(2) Every amount due in respect of arrears of cess payable under subsection (1) shall be recoverable as a public demand.

4. *Power to make rules.*—The State Government may make rules for carrying out the purposes of this Ordinance.

R. R. DIWAKAR,
Governor of Bihar.

The 25th January, 1953.

The Bihar Public Irrigation and Drainage Works (Amendment) Amending Act, 1953.

The following Act of the State Legislature, having been assented to by the Governor on the 23rd February 1953, was published in the *Bihar Gazette* Extraordinary, dated the 23rd February 1953 [Vide Notification No. LG-1-030/53-Leg., of the Law Department, dated the 23rd February 1953].

Bihar Act I of 1953.

An Act to amend the Bihar Public Irrigation and Drainage Works (Amendment) Act, 1951.

WHEREAS it is expedient to amend the Bihar Public Irrigation and Drainage Works (Amendment) Act, 1951 (Bihar Act III of 1951) in the manner, hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Public Irrigation and Drainage Works (Amendment) Amending Act, 1953.

2. *Amendment of section 1 of Bihar Act III of 1951.*—In sub-section (2) of section 1 of the Bihar Public Irrigation and Drainage Works (Amendment) Act, 1951 (Bihar Act III of 1951), for the words “two” the word “four” shall be substituted.

The Bihar Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1953.

The following Act of the Bihar Legislature, having been assented to by the President on the 9th March 1953, was published in the *Bihar Gazette*, Extraordinary, dated the 10th March 1953 [V.de Notification No. LG.1-026/53-Leg.—815, of the Law Department, dated the 9th March 1953]

Bihar Act V of 1953.

A Bill to amend the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947.

WHEREAS it is expedient to amend the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947 (Bihar Act III of 1947), in the manner hereinafter appearing ;

1. *Short title.*—This Act may be called the Bihar Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1953.

Notes

Object—“By an amending Act of 1951 (Bihar Act XXXVIII of 1951), the life of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947, was extended up to the 14th March, 1954. This amending Act was declared *ultra vires* by the High Court. Steps were taken by the State Government to keep the Act alive with necessary modifications in the light of the judgment of the High Court by means of an Ordinance promulgated by the Governor with the assent of the President. This Bill covers the provisions of the said Ordinance with some other urgent amendments necessitated by administrative difficulties experienced in the working of the Act.

2. It has been considered necessary to make provision for transfer of appeals from one Appellate Court to another. The proposed amendment in section 2(a) seeks to vest the State Government with powers to appoint additional officers to perform the functions of an appellate authority for special reasons. The Bill also seeks to amend the definition of ‘tenant’ so as to include a person who occupies a building as an employee of the landlord of such building either on payment of rent or otherwise. This is in consonance with the existing provision in section 11(a) of the Act.

3. By clause 4, the Bill amends section 11 and empowers the District Magistrate to allot a building vacated by Government servants for any reason whatsoever to another Government servant posted at the same station and makes provision requiring an application under that section to be supported by an affidavit and accompanied by a deposit of two months’ rent, except where no rent is payable out of which payment of compensation to the opposite party may be made, as a safeguard against frivolous applications.

4. The Bill also seeks to amend sub-section (2) of section 18 of the Act by substituting the words ‘disorder the appeal’ for the words ‘either uphold the order of the Controller or reject it’. This is designed to remove a lacuna in the Act”. [Vide Statement of Objects and Reasons,

printed in the *Bihar Gazette*, Extraordinary, dated the 4th February 1953.]

2. *Amendment of section 1 of Bihar Act III of 1947*—In sub-section (3) of section 1 of the Bihar Buildings (Lease, Rent and Eviction) Control Act 1947 (Bihar Act III of 1947) (hereinafter referred to as the said Act), for the words "for five years", the words and figures "upto and including the 14th March, 1954" shall be substituted, and shall be deemed always to have been substituted with effect from the eleventh day of December, 1951.

3. *Amendment of section 2 of Bihar Act III of 1947*.—In section 2 of the said Act,—

(i) for clause (a), the following clause shall be substituted, namely :—

"(a) 'appellate authority' means—

(i) in respect of any local areas comprised within the limits of the Saharsa subdistrict in the district of Bhagalpur, the Dhanbad subdivision in the district of Manbhum, the Sadr subdivision in the district of Singhbhum, the Additional District Magistrate of Saharsa, the Additional Deputy Commissioner of Dhanbad and the Additional Deputy Commissioner of Singhbhum, respectively ;

(ii) in respect of any other local areas, the Collector of the district in which such local areas are situate ;

and includes in respect of any of the local areas, referred to in sub-clause (i) or (ii), any other officer appointed in this behalf by the State Government to perform the functions of an appellate authority."; and

(ii) for clause (h), the following clause shall be substituted, namely :—

"(h) 'tenant' means any person by whom, or on whose account, rent is payable for building and includes—

(i) a person continuing in possession after the termination of the tenancy in his favour ; and

(ii) a person who occupies a building as an employee of the landlord of such building either on payment of rent or otherwise."

4. *Amendment of section 11 of Bihar Act III of 1947*.—In section 11 of the said Act,—

(i) in the proviso to sub-section (1), the words "in consequence of his transfer to a station other than the station in which the building is situate" and the words "to the successor-in-office of the servant of the Government vacating it or" shall be omitted ; and

(ii) after sub section (5), the following sub-sections shall be inserted, namely :—

"(6) Every application made under this section shall be supported by an affidavit and, except where no rent is payable by the tenant for the building, accompanied by a treasury challan showing the deposit of a sum equal to the rent of two months as stated in the application or a sum of one hundred rupees, whichever is less.

(7) The affidavit accompanying such application shall be made by the applicant or by his authorised agent and shall state specifically the facts which the deponent is able of his own knowledge, belief or information to prove.

(8) For the purpose of computation of fees payable under the Court Fees Act, 1870 (VII of 1870), such application shall be deemed to be the plaint of a suit referred to in clause (xi) (cc) of section 7 of that Act and the memorandum of appeal against an order under this section shall be deemed to be a memorandum of appeal against a decree in such suit :

Provided that where no rent is payable by the tenant, the provision of this sub-section shall not apply.

(9) The compensation or cost, if any, allowed in such proceeding to

the opposite party shall be paid in the first instance out of the amount deposited under sub-section (6) and, where no compensation or cost is allowed or the compensation or cost allowed is less than such amount, the whole of the amount or the balance thereof, as the case may be, shall be refunded to the applicant."

5. *Amendment of section 18 of Bihar Act III of 1947.*—In clause (b) of sub-section (2) of section 18 of the said Act, for the words "either uphold the order of the Controller or reject it", the words "decide the appeal" shall be substituted, and shall be deemed always to have been substituted.

6. *Repeal and saving.*—(1) The Bihar Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1951 (Bihar Act XXXVIII of 1951), and the Bihar Buildings (Lease, Rent and Eviction) Control (Continuance) Ordinance, 1952 (Bihar Ordinance No. V of 1952), are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act, as continued in force by the said Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by the said Act, as amended by section 2 of this Act, as if the said Act, as amended by section 2 of this Act, were in force on the day on which such thing or action was done or taken.

The Bihar Essential Articles Control (Temporary Powers) (Amendment) Act, 1953.

The following Act of the Bihar Legislature, having been assented to by the President on the 9th March 1953, was published in the *Bihar Gazette*, Extraordinary, dated the 10th March 1953 [Vide Notification No. LG-1-024/53-Leg.—618, of the Law Department, dated the 9th March 1953.]

Bihar Act VI of 1953

A Bill to amend the Bihar Essential Articles Control (Temporary Powers) Act, 1947.

WHEREAS it is expedient to amend the Bihar Essential Articles Control (Temporary Powers) Act, 1947 (Bihar Act IV of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Essential Articles Control (Temporary Powers) (Amendment) Act, 1953.

Notes

Object—"The Essential Articles Control (Temporary Powers) Act, 1947, ceased to have effect from the 1st January, 1953. As, however, the control on cement and drugs was still considered necessary, the State Government, in the interest of the public, took steps for extension of the life of the Act by an Ordinance promulgated by the Governor with the assent of the President. The Ordinance will cease to have force after six weeks from the 28th January, 1953 but it is necessary to extend the life of the Act for a longer period.

The life of the Essential Supplies (Temporary Powers) Act, 1946, which is a similar enactment of the Central Legislature, has been extended till the 26th January, 1955. It is, therefore proposed to extend the life of the Bihar Essential Articles Control (Temporary Powers) Act, 1947; also until the 26th January, 1955. The Bill seeks to implement this proposal". [Vide Statement of Objects and Reasons, printed in the *Bihar Gazette*, Extraordinary, dated the 4th February 1953.]

2. *Amendment of section 1 of Bihar Act IV of 1947.*—In sub-section

(3) of section 1 of the Bihar Essential Articles Control (Temporary Powers) Act, 1947 (Bihar Act IV of 1947) (hereinafter referred to as the said Act), for the words and figures "upto and including the 31st December, 1952", the words and figures "upto and including the 26th January, 1955" shall be substituted.

3. *Amendment of section 3 of Bihar Act IV of 1947.*—After sub-section (2) of section 3 of the said Act, the following sub-section shall be added, namely :—

"(3) Nothing in sub-section (1) or (2) shall confer or be deemed to confer any power or authority on the State Government to make any order for directing, maintaining or increasing the supply or production of any essential article or class of essential articles manufactured or produced by any industrial undertaking or undertakings pertaining to any of the industries specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (LXV of 1951), and any order made by the State Government under this section controlling the prices, or regulating or prohibiting distribution, of any such essential article or class of essential articles shall have effect subject to the provisions of the said Act or to any order issued thereunder by the Central Government."

4. *Amendment of the Schedule to Bihar Act IV of 1947.*—In the Schedule appended to the said Act, the following entry shall be omitted, namely :—

'13. Cycles, cycle spare parts and accessories.'

5. *Repeal and saving.*—(1) The Bihar Essential Articles Control (Temporary Powers) Continuance Ordinance, 1952 (Bihar Ord. No. VII of 1952), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act, as amended by the said Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by the said Act, as amended by this Act, as if the said Act, as amended by this Act, were in force on the day on which such thing or action was done or taken.

The Bihar Premises Requisition (Temporary Provisions) (Amendment) Act, 1953.

The following Act of the Bihar Legislature, has been assented to by the President on the 9th March 1953 [*Vide* Notification No. L G.1-0:0/53-Leg.—606 of the Law Department, dated the 9th March 1953, published in the *Bihar Gazette*, Extraordinary, dated the 10th March 1953.]

Bihar Act IV of 1953

An Act to amend the Bihar Premises Requisition (Temporary Provisions) Act, 1949.

WHEREAS it is expedient to amend the Bihar Premises Requisition (Temporary Provisions) Act, 1949 (Bihar Act XV of 1950), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Premises Requisition (Temporary Provisions) (Amendment) Act, 1953.

Notes

Object.—"The life of the Bihar Premises Requisition (Temporary Provisions) Act, 1949 (Bihar Act XV of 1950), was to expire on the 27th January, 1953. Acute shortage of houses still persists in Bihar, making it very difficult for various departments of Government to find suitable accommodation on a reasonable rent. It is not possible for Government

to build all the houses required for purposes of the State.

Since the Bihar Legislature was scheduled to commence its session after the 27th January 1953, the date on which the life of the Bihar Act was to expire, the State Government extended the life of the Bihar Premises Requisition (Temporary Provisions) Act by means of an Ordinance which will continue to be in force for a period of six weeks from the 28th January 1953, that is, upto the 11th March, 1953. The State Government consider it necessary to extend the life of the Act, for the present, for two years.

Parliament has passed an Act for requisitioning and acquiring premises, but the Central Act provides for requisitioning of premises for the purposes of the Union only and not for the purposes of the State. The Central Act will remain in force upto the 13th March 1958. The Bihar Premises Requisition (Temporary Provisions) Continuance Ordinance, 1953, is now being converted into an Act which extends the life of the Bihar Premises Requisition (Temporary Provisions) Act 1949 (Bihar Act XV of 1950), by another two years". [Vide Statement of Objects and Reasons, printed in the *Bihar Gazette*, Extraordinary, dated the 28th January 1953.]

2. *Amendment of section 1 of Bihar Act XV of 1950.*—In sub-section (3) of section 1 of the Bihar Premises Requisition (Temporary Provisions) Act, 1949 (Bihar Act XV of 1950) (hereinafter referred to as the said Act), for the word "three", the word "five" shall be substituted.

3. *Repeal and saving.*—(1) The Bihar Premises Requisition (Temporary Provisions) Continuance Ordinance, 1953 (Bihar Ordinance No. 1 of 1953), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act, as continued in force by the said Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by the said Act, as amended by section 2 of this Act, as if the said Act, as amended by section 2 of this Act, were in force on the day on which such thing or action was done or taken.

The Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-Holders (Vested Estates and Tenures) Act, 1953.

The following Act of the Bihar Legislature, has been assented to by the Governor on the 6th March 1953 [Vide Notification No. LG.1-041/53-Leg.—595 of the Law Department, dated the 6th March 1953, published in the *Bihar Gazette*, Extraordinary, dated the 7th March 1953].

Bihar Act III of 1953.

An Act to provide facilities for the recovery of arrears of rents including royalties, cesses and interest due to an outgoing proprietor or tenure-holder of an estate or tenure vested in the State of Bihar in consequence of the operation of the provisions of the Bihar Land Reforms Act, 1950.

WHEREAS outgoing proprietors and tenure-holders of certain estates and tenures, vested in the State of Bihar in consequence of the operation of the provisions of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), have represented to the State Government that considerable difficulties are being experienced by them in realising arrears of rents including royalties, cesses and interest due to them from tenants and lessees of such estates or tenures before the date of vesting, that arrangements for a speedy realisation of such arrears should be made by the State

Government and that out of the actual collection, a sum equivalent to fifty *per centum* may be delivered to them and the remainder retained by the State Government to meet the cost of collection and other incidental expenses incurred by it in connection therewith ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenureholders (Vested Estates and Tenures) Act, 1953.

(2) It extends to the whole of the State of Bihar.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “arrears of rents” include arrears of cesses and royalties and any arrear dues in respect of a lease of an estate or tenure, together with any interest due thereon ;

(b) “prescribed” means prescribed by rules made under this Act ; and

(c) all words and expressions used in this Act but not defined and defined in the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950) (hereinafter referred to in this Act as the said Act), shall have the same meanings as in the said Act.

3. *Application by outgoing proprietors or tenure-holders for recovery of arrears of rents due to them before the date of vesting of their estates or tenures in the State.*—(1) Where an estate or tenure of a proprietor or tenure-holder vests in the State in consequence of the operation of the provisions of the said Act, the outgoing proprietor or tenure-holder of such estate or tenure may, if he so desires, at any time within three months from the 17th day of December 1952, or from the date of vesting, whichever is later, make to the Collector, in the prescribed manner, an application in the prescribed form requesting that all arrears of rents including those for which a decree has been passed by a competent court, due to him from tenants or lessees of such estate or tenure for any period prior to the date of vesting, which were recoverable by him in respect of such estate or tenure and the recovery of which is not barred by any law of limitation, may be recovered by the State Government and that, out of the actual collection of such arrears of rents, a sum equivalent to fifty *per centum* may be delivered to him after deducting therefrom the arrears of cesses, including interest, referred to in section 4, and the remainder retained by the State Government to meet the cost of collection and other incidental expenses incurred by it in connection therewith.

(2) On receipt of an application by the Collector under sub-section (1), the State Government shall, subject to the provisions of this Act, have power to recover all arrears of rents due to the proprietor or tenure-holder of such estate or tenure from tenants or lessees thereof for any period prior to the date of vesting, which were recoverable by him in respect of such estate or tenure and the recovery of which is not barred by any law of limitation.

(3) Every application under sub-section (1) shall be accompanied by all documents papers and registers relating to such estate or tenure as are referred to in section 56 or 57 of the Bihar Tenancy Act, 1885 (VIII of 1885), or section 54 of the Chota Nagpur Tenancy Act, 1908 (Ben. Act VI of 1908), or section 46 or 47 of the Santal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XIV of 1949), and are commonly known as counter-foil of receipts, statement of accounts, *jama-bandi* books or *jama-wosuli* books, the mutation papers, a detailed state-

18 BIHAR RECOVERY OF ARREARS OF RENTS OF OUTGOING PROPRIETORS AND TENURE-HOLDERS (VESTED ESTATES AND TENURES) ACT, 1953.

ment of the arrears of rents due in respect of such estate or tenure together with a list of all buildings in such estate or tenure used primarily as office or *cutchery* for the collection of rent and no application under this section shall be entertained by the Collector unless it is accompanied by such documents, papers and registers.

(4) On receipt of an application under sub-section (1), the Collector shall determine, after a local inquiry, inspection or otherwise, whether the documents, papers and registers relating to the estate or tenure accompanying such application have been properly maintained and are trustworthy; and for this purpose he shall investigate also if the claim of the proprietor or tenure-holder to the arrears of rents in respect of which he has made such application is generally admitted by the defaulting tenants or lessees, and whether there is no dispute with regard to such claim.

(4) The Collector may thereupon, with the previous sanction of the State Government, either—

(a) admit such application and proceed to dispose it of in the manner provided in sub-section (6) or (7), or

(b) reject it without assigning any reason.

(6) Where a tenant or lessee of such estate or tenure admits his liability to pay the arrears of rents in respect of which an application has been made under sub-section (1) and such application has been admitted by the Collector under clause (a) of sub-section (5), the Collector shall cause the arrears of rents due from such tenant or lessee to be realised through the collecting staff of the State Government and all moneys so realised shall be deemed to be an acquittance to the extent paid for such arrears of rents.

(7) The amount of the arrears of rent recoverable by the State Government under this Act shall be deemed to be a public demand payable to the Collector and shall be recoverable under the procedure provided in the Bihar and Orissa Public Demands Recovery Act, 1914 (B. & O. Act IV of 1914).

(8) Notwithstanding any application made by an outgoing proprietor or tenure-holder under sub-section (1) of section 3, such proprietor or tenure holder may, until the application has been admitted by the Collector under clause (a) of sub-section (5), sue the defaulting tenant or lessee under the provision of any other law for the time being in force for any arrears of rent included in the application.

(9) The State Government and the Collector or any person acting under his orders shall not be liable for any arrear of rent which may become barred, subsequent to the making of an application under sub-section (1), under any law of limitation :—

(i) until the application has been admitted in case it is admitted by the Collector under clause (a) of sub-section (5); or

(ii) at any time, in case it is rejected by the Collector under clause (b) of sub-section (5).

4. *Disposal of moneys received under this Act.*—All moneys received under this Act shall in the first instance be credited to an appropriate deposit account and out of the sum so credited—

(1) there shall be—

(a) deposited under the appropriate head under "Cess" the amount received from the tenure-holders and the *raiyyats* of an estate on account of the arrears of cesses including interest due from them, and the proprietor's share of the arrears of cess referred to in clause (b), and

(b) paid, subject to the provisions of this Act and the rules made thereunder and in the prescribed manner, to the proprietor or tenure-holder a sum equivalent to fifty *per centum* of the amount of the arrears of rents (exclusive of cesses) realised under the provision of this Act after deducting therefrom the proprietor's share of the arrears of cesses including interest payable in respect of such estate, and

(2) the balance shall be credited to the Consolidated Fund of the State.

5. Bar to jurisdiction of Civil Courts in certain matters.—No suit shall be brought in any Civil Court in respect of any order passed by the Collector under this Act in respect of any matter relating to the method of collection or the correctness or otherwise of the amount collected or the payment of any amount to a proprietor or tenure-holder :

Provided that no order of the Collector rejecting an application under clause (b) of sub-section (5) of section 3 shall be deemed to bar the jurisdiction of the Civil Court from entertaining a suit for the recovery of the arrears of rents in respect of which such application was made.

6. Protection to persons acting under this Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or purported to be done under this Act.

7. Power to make rules.—(1) The State Government may make rules, not inconsistent with the provisions of this Act, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form and the manner in which an application under sub-section (1) of section 3 shall be made ;

(b) the procedure to be followed and the principles to be applied by the Collector in determining the trustworthiness of the papers relating to an estate or tenure submitted by a proprietor or tenure-holder under sub-section (3) of section 3 ;

(c) the particulars of collections to be furnished to a proprietor or tenure-holder during every quarter ;

(d) the manner in which, and the intervals at which, any payments under this Act shall be made to a proprietor or tenure-holder ;

(e) the appropriate deposit account and heads of account to which the moneys referred to in section 4 shall be credited ; and

(f) any other matter by this Act required, or expressly or impliedly authorised, to be prescribed.

8. Repeal and saving—(1) The Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-holders (Vested Estates and Tenures) Ordinance, 1952 (Bihar Ordinance No VI of 1952), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action taken.

The Bihar Public Irrigation and Drainage Works (Amendment) Act, 1953.

The following Act of the Bihar Legislature has been assented to by the Governor on the 5th March, 1953 and was published in the *Bihar Gazette*, Part IV, dated the 25th March 1953 [Vide Notification No. I.G-1.

042-53-Leg.—702, of the Law Department, dated the 19th March 1953.]

Bihar Act VII of 1953.

An Act to amend the Bihar Public Irrigation and Drainage Works Act, 1947.

WHEREAS it is expedient to amend the Bihar Public Irrigation and Drainage Works Act, 1947 (Bihar Act X of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Public Irrigation and Drainage Works (Amendment) Act, 1953.

2. *Amendment of section 2 of Bihar Act X of 1947.*—After clause (a) of section 2 of the Bihar Public Irrigation and Drainage Works Act, 1947, the following clause shall be added, namely :—

“(a1) ‘Collector’ means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the State Government to perform all or any of the functions of a Collector under this Act.”

The Bihar Motor Vehicles Taxation (Amendment) Act, 1953.

The following Act of the Bihar Legislature has been assented to by the Governor on the 9th March, 1953 and was published in the *Bihar Gazette*, Part IV, dated the 25th March 1953 [Vide Notification No. LG.-1-027/53-Leg.—705, of the Law Department, dated the 19th March 1953.]

Bihar Act VIII of 1953.

An Act to amend the Bihar and Orissa Motor Vehicles Taxation Act, 1930.

WHEREAS it is expedient to amend the Bihar and Orissa Motor Vehicles Taxation Act, 1930 (B. & O. Act II of 1930), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Motor Vehicles Taxation (Amendment) Act, 1953.

2. *Amendment of the Second Schedule to B. & O. Act II of 1930.*—In the Second Schedule to the Bihar and Orissa Motor Vehicles Taxation Act, 1930 (B. & O. Act II of 1930), for item 4, the following item shall be substituted, namely :—

“4. Motor Cabs—

(i) seating not more than two passengers.	80	0	0	80	0	0
(ii) seating not more than three passengers.	100	0	0	100	0	0
(iii) seating not more than six passengers.	162	8	0	212	8	0”

The Bihar Finance Act, 1953.

The following Act of the Bihar Legislature has been assented to by the Governor on the 28th March 1953, and was published in the *Bihar Gazette*, Extraordinary, dated the 31st March 1953 [Vide Notification No. LG-1-051/53-Leg.—803, of the Law Department, dated the 31st March 1953.]

Bihar Act IX of 1953

An Act to amend the Bihar Entertainments Duty, Court-fees and Stamp (Surcharge Amendment) Act, 1948, the Bihar Agricultural Income-tax Act, 1948, the Bihar

Entertainments Tax Act, 1948, the Bihar Electricity Duty Act, 1948, and the Bihar Finance Act, 1950, and further to fix the limit of taxable agricultural income and to lay down rates of agricultural income-tax and super-tax chargeable under the Bihar Agricultural Income-tax Act, 1948, for the financial year beginning on the first day of April, 1953.

WHEREAS it is expedient to amend the Bihar Entertainments Duty, Court-fees and Stamp (Surcharge Amendment) Act, 1948 (Bihar Act XXV of 1948), the Bihar Agricultural Income-tax Act, 1948 (Bihar Act XXXII of 1948), the Bihar Entertainments Tax Act, 1948 (Bihar Act XXXV of 1948), the Bihar Electricity Duty Act, 1948 (Bihar Act XXXVI of 1948), and the Bihar Finance Act, 1950 (Bihar Act XVII of 1950), and further to fix the limit of taxable agricultural income and to lay down rates of agricultural income-tax and super-tax chargeable under the Bihar Agricultural Income-tax Act, 1948 (Bihar Act XXXII of 1948), for the financial year beginning on the 1st day of April, 1953 ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bihar Finance Act, 1953.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on the 1st day of April, 1953.

PART I

Amendments to the Bihar Entertainments Duty, Court-fees and Stamp (Surcharge Amendment) Act, 1948.

2. *Amendment of section 4 of Bihar Act XXV of 1948.*—In section 4 of the Bihar Entertainments Duty, Court-fees and Stamp (Surcharge Amendment) Act, 1948 (Bihar Act XXV of 1948) (hereinafter referred to in this Part as “the said Act”), for the word “Schedule”, the words “First Schedule” shall be substituted.

3. *Amendment of section 5 of Bihar Act XXV of 1948.*—In section 5 of the said Act, for the word “Schedule”, the words “Second Schedule” shall be substituted.

4. *Substitution of new Schedules for the Schedule to Bihar Act XXV of 1948.*—For the Schedule of the said Act, the following Schedules shall be substituted, namely :—

FIRST SCHEDULE

(See Section 4.)

Rates of Surcharge on Court-fees leviable under the Court-fees Act, 1870, as amended from time to time in its application to the State of Bihar.

	Rates of Surcharge Rs. a. p.
1. On every whole rupee	0 8 0
2. (a) On a fraction of a rupee up to and including four annas.	0 2 0
(b) On a fraction of a rupee exceeding four annas but not exceeding eight annas.	0 4 0
(c) On a fraction of a rupee exceeding eight annas but not exceeding twelve annas.	0 6 0
(d) On a fraction exceeding twelve annas but less than sixteen annas.	0 8 0

Explanation.—On a court-fee of Rs. 20-6-0, the surcharge will be (20×8) plus 4 annas, viz., Rs. 10-4-0, and the total court-fees leviable will be Rs. 30-10-0.

SECOND SCHEDULE

Rates of surcharge on Stamp Duties chargeable under the Indian Stamp Act, 1899, as amended from time to time in its application to the State of Bihar.

	Rates of Surcharge. Rs. a. p.
1. On every whole rupee-	0 6 0
2. (a) On a fraction of a rupee up to and including four annas.	0 2 0
(b) On a fraction of a rupee exceeding four annas but not exceeding eight annas.	0 3 0
(c) On a fraction of a rupee exceeding eight annas but not exceeding twelve annas.	0 5 0
(d) On a fraction exceeding twelve annas but less than sixteen annas.	0 6 0

Explanation — On a stamp duty of Rs. 12-8-0, the surcharge will be (12×6) plus three annas, viz., Rs. 4-11-0, and the stamp duty chargeable will be Rs. 17-3-0.

PART II.

AMENDMENT TO THE BIHAR AGRICULTURAL INCOME-TAX ACT, 1948.

5. *Substitution of new section for section 28 of Bihar Act XXXII of 1948.*—For section 28 of the Bihar Agricultural Income-tax Act, 1948 (Bihar Act XXXII of 1948); the following section shall be substituted, namely :—

"28. (1) If in the course of any proceeding before the Board a question of law arises, the Board may, of its own motion, draw up a statement of the case and refer it with its own opinion thereon to the High Court.

(2) *Reference of case by Board to High Court.*—Within ninety days of the passing of an order under section 27, or of a decision under section 26, the assessee or the Commissioner may, by application in writing, accompanied where such application is made by the assessee by a fee of one hundred rupees, or such lesser sum as may be prescribed, require the Board to refer to the High Court any question of law arising out of such order and the Board shall, within sixty days of the receipt of such application, draw up a statement of the case and refer it with its own opinion thereon to the High Court :

Provided that if, in the exercise of its powers under sub-section (3), the Board refuses to state a case which it has been required by the assessee to state, the assessee may, within sixty days of the refusal to state the case, withdraw his application and, if he does so, the fee paid shall be refunded.

(3) If, on any application being made under sub-section (2), the Board refuses to state the case on the ground that no question of law arises, the assessee or the Commissioner, as the case may be, may, within six months of the refusal, apply to the High Court, and the High Court may, if it is not satisfied of the correctness of the decision of the Board, require the Board to state the case and to refer it, and, on receipt of any such requisition, the Board shall state and refer the case accordingly.

(4) If, on any application being made under sub-section (2), the Board rejects it on the ground that it is time-barred, the assessee or the Commissioner, as the case may be, may, within three months of such rejection, apply to the High Court, and the High Court, if it is not satisfied of the correctness of the decision of the Board, may require the Board to treat the application as made within the time allowed under sub-section (2).

(5) If the High Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for and in respect of the services and purposes specified in the Schedule in relation to the year ending on the thirty-first day of March, 1954.

* * * * *

THE SCHEDULE
(See sections 2 and 3.)

[For the Schedule, see *Bihar Gazette*, Extraordinary, No. 726, dated the 31st March 1953, pages 3-4. *Editor.*]

— — — — —

The Bihar Appropriation (No. 2) Act, 1953.

The following Act of the Bihar Legislature has been assented to by the Governor on the 31st March 1953 and was published in the *Bihar Gazette*, Extraordinary, dated the 31st March 1953 [Vide Notification No. LG-1-067/53-Leg.—808, of the Law Department, dated the 31st March 1953.]

Bihar Act XI of 1953

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1953.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1953 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Appropriation (No. 2) Act, 1953.

2. *Issue of Rs. 1,61,47,411 out of the Consolidated Fund of the State of Bihar for the year ending 31st March, 1953.*—From and out of the Consolidated Fund of the State of Bihar, there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of one crore, sixty-one lakhs, forty-seven thousand and four hundred and eleven rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1953, in respect of the services specified in column 3 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for and in respect of the services and purposes specified in the Schedule in relation to the year ending on the thirty-first day of March, 1953.

* * * * *

THE SCHEDULE
(See sections 2 and 3.)

[For the Schedule, see *Bihar Gazette*, Extraordinary, No. 725, dated the 31st March 1953, pages 3-5. *Editor.*]

— — — — —

The Bihar Military Police (Amendment) Act, 1953.

The following Act of the Bihar Legislature has been assented to by the Governor on the 22nd March, 1953 and was published in the *Bihar Gazette*, Part IV, dated the 15th April 1953 [Vide Notification No. LG-1-039/53-Leg.—887, of the Law Department, dated the 8th April 1953.]

Bihar Act XII of 1953.

An Act to amend the Bengal Military Police Act, 1892.

WHEREAS it is expedient to amend the Bengal Military Police Act, 1892 (V of 1892), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Bihar Military Police (Amendment) Act, 1953.

2. *Amendment of section 2 of Act V of 1892.*—In section 2 of the Bengal Military Police Act, 1892 (V of 1892), for clause (2), the following clause shall be substituted, namely :—

“(2) “active service” means the time during which a Military Police-officer is engaged in service against hostile tribes or other persons in the field and includes any period during which such Military Police-officer is deputed to deal with any dangerous criminal or any actual or apprehended breach of the peace and any period, the engagement during which is specified to be an active service in an order of any superior officer in this behalf.”

Published in the *Bihar Gazette*, Part II, dated the 18th March 1953.

The 14th March 1953

No. STGL-284/51—3494 F. T.—In exercise of the powers conferred by section 31 of the **Bihar Sales Tax Act, 1947** (Bihar Act XIX of 1947), the Governor of Bihar is pleased to make the following amendments in the Bihar Sales Tax Rules, 1949, the same having been previously published, as required, by sub-section (1) of the said section.

AMENDMENTS.

1. In the proviso to rule 4 of the said Rules, *after* the words “a dealer” the following words, figures and brackets shall be *inserted*, namely :—

“other than a dealer registered under sub-rule (1) of rule 10”.

2. *For* sub-rule (1) of rule 10 of said Rules, the following sub-rule shall be *substituted*, namely :—

“(1). Where a dealer has no fixed place of business in the State of Bihar but sells or supplies goods (including goods sold or supplied in the execution of a contract) either direct or through travelling agents or salesman, or, having one or more places of business in the State of Bihar, sells or supplies goods in circles other than those in which such places of business are situate, the Commissioner may, by general or special order, in writing, direct that such dealer shall be registered in a circle to be specified by him in such order.”

3. To sub-rule (1) of rule 26 of the said Rules, the following proviso shall be *added*, namely :—

“Provided that a dealer registered under sub-rule (1) of rule 10 may pay the amount of tax due from him into the Government Treasury through a crossed bank draft, drawn in favour of the Treasury Officer on the branch of the Reserve Bank or the Imperial Bank of India at the place where the Government Treasury is situated.”

4. In rule 27 of the said Rules—

(a) *after* the word “acknowledgment”, the words “or the bank draft” shall be *inserted* ; and

(b) *after* the first sentence as so amended, the following sentence shall be *added*, namely :—

“Where payment is made by a bank draft, the crossed bank draft, together with a challan in Form VII, duly filled up, shall be sent to the Superintendent by registered post.”

5. In rule 48 of the said Rules—

(a) In sub-rule (2) *after* the words “paid in”, the word “Bihar” shall be *inserted* ;

(b) *after* sub-rule (2), the following sub-rule shall be *inserted*, namely :—

“(3) Notwithstanding anything contained in sub-rules (1) and (2), a dealer registered under sub-rule (1) of rule 10 may pay the fees payable under the Act or the Rules by a crossed postal order or a crossed bank draft drawn in favour of the Treasury Officer on the branch of the Reserve Bank or the Imperial Bank of India at the place where the Treasury is situated” ; and

(c) sub-rule (3) shall be *renumbered* as sub-rule (4).

6. For sub-rule (2) of rule 49 of the said Rules, the following sub-rule shall be *substituted*, namely :—

“(2) The composition money may also be paid by postal money order addressed to the Treasury Officer, or, in the case of a dealer registered under sub-rule (1) of rule 10, by a crossed bank draft drawn in favour of the Treasury Officer on the branch of the Reserve Bank or the Imperial Bank of India at the place where the Treasury is situated.”.

The Bihar Molasses (Cess on Sales) Act, 1953.

Bihar Act II of 1953.

CONTENTS

Sections.

1. Short title and extent.
2. Definitions.
3. Levy of cess
4. Power to make rules.
5. Repeal and saving.

The Bihar Molasses (Cess on Sales) Act, 1953.

Received the assent of the Governor on the 4th March, 1953, and was first published in the *Bihar Gazette*, Extraordinary, dated the 6th March, 1953.

Bihar Act II of 1953

An Act to provide for the levy of cess on the sale of molasses in the State of Bihar.

Preamble.—WHEREAS it is expedient to provide for the levy of cess on the sale of molasses in the State of Bihar ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Bihar Molasses (Cess on Sales) Act, 1953.

(2) It shall extend to the whole of the State of Bihar.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “mixing depot” means the premises where under a licence granted under section 12 of the Bihar Power Alcohol Act, 1948 (Bihar Act XIX of 1948), power alcohol may be mixed with petrol ;

(b) “power alcohol” shall have the same meaning as is assigned to it by the Bihar Power Alcohol Act, 1948 (Bihar Act XIX of 1948) ; and

(c) the words “factory”, “occupier of a factory” and “molasses” have the meanings respectively assigned to them in the Bihar Molasses (Control) Act, 1947 (Bihar Act VI of 1947).

3. *Levy of cess.*—(1) The State Government may, by notification, levy a cess not exceeding eight annas a maund on the sale of molasses by the owner or occupier of a factory :

Provided that no such cess shall be levied on the molasses sold to distilleries for the manufacture of country spirit or power alcohol for supply to country spirit warehouses or mixing depots under the control of the State Government.

(2) Every amount due in respect of arrears of cess payable under sub-section (1) shall be recoverable as a public demand.

4. *Power to make rules.*—(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In making any rule, the State Government may direct that a breach thereof shall be punishable with fine which may extend to two thousand rupees.

5 *Repeal and saving* —(1) The Bihar Molasses (Cess on Sales) Ordinance, 1953 (Bihar Ordinance No. II of 1953), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.

The Bihar Sales Tax (Amendment) Act, 1953.

The following Act of the Bihar Legislature has been assented to by the President on the 18th April, 1953, and was published in the *Bihar Gazette*, Part IV, dated the 29th April 1953 [Vide Notification No. LG. 1-052/52-Leg—1100, of the Law Department, dated the 24th April 1953.]

Bihar Act XIV of 1953

An Act to amend the Bihar Sales Tax Act, 1947.

WHEREAS it is expedient to amend the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bihar Sales Tax (Amendment) Act, 1953

(2) It shall be deemed to have come into force on the first day of April, 1953.

2. *Amendment of section 2 of Bihar Act XIX of 1947.*—In section 2 of the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947) (hereinafter referred to as the said Act), the second proviso to clause (g) shall be omitted.

3. *Amendment of section 5 of Bihar Act XIX of 1947.*—(1) In section 5 of the said Act,—

(i) for the portion beginning with the words “The tax payable by a dealer” and ending with the words “by an annual Bihar Finance Act”, the following shall be substituted, namely :—

“The tax payable by a dealer under this Act shall be levied at the rate of six pies in the rupee on his taxable turnover ;

Provided that the State Government may, from time to time, by notification in the Official Gazette, and subject to such conditions as it may impose, fix a higher rate of tax not exceeding one anna in the rupee or any lower rate of tax, payable under this Act, on account of the sale of any goods or class of goods specified in such notification ;”

(ii) in the existing first proviso, after the word “Provided”, the word “further” shall be inserted ; and

(iii) after the existing first proviso as so amended, the following proviso shall be inserted, namely :—

“Provided further that in respect of goods declared to be essential for the life of the community under section 3 of the Essential Goods (Decl-

ration and Regulation of Tax on Sale or Purchase) Act, 1952 (LII of 1952), the rate or rates of tax shall not exceed the rate or rates levied immediately before the commencement of the Bihar Sales (Amendment), Act, 1953."

(2) To section 5, as so amended, the following *Explanation* shall be added, namely :—

"*Explanation*.—The expression 'taxable turnover', for the purposes of this section, means that part of a dealer's gross turnover on sales which have taken place in Bihar during any period, which remains after deducting therefrom—

(a) his turnover during that period on—

(i) the sale of any goods declared, from time to time, as tax-free goods under section 6 ;

(ii) sales to a registered dealer of goods specified in the purchasing dealer's certificate of registration as being intended for re-sale by him or for use by him in the execution of any contract and on sales to a registered dealer of containers and other materials for the packing of such goods :

Provided that where any goods specified in the certificate of registration are purchased by a registered dealer as being intended for re-sale by him or for use by him in the execution of a contract, but are utilised by him for any other purpose, the price of the goods so purchased shall be allowed to be deducted from the gross turnover of the selling dealer but shall be included in the taxable turnover of the purchasing dealer ;

(iii) such other sales as the State Government may, by general or special order, direct, including those made by dealers exempted under section 7 or at points prescribed under section 8 ; and

(b) a rebate at two *per centum* of the balance remaining after making deductions allowed by clause (a) ;

Provided that the State Government may, by notification, in such cases as it thinks fit, allow a higher rate of rebate."

4. *Amendment of section 23 of Bihar Act XIX of 1947*.—In section 23 of the said Act, the word "Civil" shall be omitted.

5. *Amendment of section 30 of Bihar Act XIX of 1947*.—In clause (e) of sub-section (3) of section 30 of the said Act, after the words "Central Government" the words "or of any State Government" shall be inserted.

The Patna Municipal Corporation (Amendment) Act, 1953.

The following Act of the Bihar Legislature has been assented to by the Governor on the 14th May 1953, and was published in the *Bihar Gazette*, Extraordinary, dated the 14th May 1953.

Bihar Act XV of 1953

An Act to amend the Patna Municipal Corporation Act, 1951.

WHEREAS it is expedient to amend the Patna Municipal Corporation Act, 1951 (Bihar Act XIII of 1952), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*.—This Act may be called the Patna Municipal Corporation (Amendment) Act, 1953.

2. *Amendment of Section 11 of Bihar Act XIII of 1952*.—In sub-section (1) of section 11 of the Patna Municipal Corporation Act, 1951 (Bihar Act XIII of 1952) (hereinafter referred to as the said Act), for the word "January", the word "March" shall be substituted.

3. *Substitution of new section for section 119 of Bihar Act XIII of 1952.*—For section 119 of the said Act, the following section shall be substituted, namely :—

“119. *Monthly abstracts of accounts.*—(1) The Chief Executive Officer shall draw up a monthly abstract of the receipts and expenditure of the preceding month and such abstract shall be examined and signed by the auditor appointed under the Bihar and Orissa Local Fund Audit Act, 1925 (B. & O. Act II of 1925).

(2) The abstract of the municipal accounts signed by the auditor under sub-section (1) shall be published in the Official Gazette quarterly in the prescribed form.

(3) For the purposes of examining the accounts of the Corporation signed by the auditor under sub-section (1), the Standing Committee shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Chief Executive Officer shall forthwith furnish to the Standing Committee any explanation concerning receipts and disbursements which it may call for.”

4. *Substitution of new section for section 509 of Bihar Act XIII of 1952.*—For section 509 of the said Act, the following section shall be substituted, namely :—

“509. *Bar to grant of injunction.*—Save as otherwise expressly provided, no injunction shall be granted by any Civil Court, restraining the Corporation, the Standing Committee, the Chief Executive Officer, the Administrator or any other person charged with the duty of preparing, publishing, correcting or revising the electoral roll of a ward, or conducting elections thereto under rules made under section 540, from preparing, publishing, correcting or revising such electoral roll or from holding elections to constitute or reconstitute the Corporation or to fill casual vacancies in the Corporation or from exercising or performing any powers or duties conferred or imposed on the Corporation, the Standing Committee, the Chief Executive Officer, the Administrator or any other person by or under this Act.”

5. *Amendment of section 545 of Bihar Act XIII of 1952.*—In section 545 of the said Act,—

(a) in sub-section (1)—

(i) the words “on the day when this Act comes into force” shall be omitted and shall be deemed always to have been omitted ;

(ii) after the the words “six months”, the words “from the date of the commencement of this Act” shall be inserted and shall be deemed always to have been inserted ; and

(b) in the proviso to sub-section (1), after the words “for a period not exceeding three months”, the words “at a time, but in any case not exceeding twelve months in all”, shall be inserted.

The Bihar State Aid to Industries (Amendment) Act, 1953.

Received the assent of the Governor on the 5th April, 1953, and was published in the *Bihar Gazette*, dated the 22nd April, 1953.

Bihar Act XIII of 1953

An Act to amend the Bihar and Orissa State Aid to Industries Act, 1923.

WHEREAS it is expedient to amend the Bihar and Orissa State Aid to Industries Act, 1923 (B. & O. Act VI of 1923), in the manner herein-after appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar State Aid to Industries (Amendment) Act, 1953.

2. *Amendment of section 2 of B. & O. Act VI of 1923.*—In section 2 of the Bihar and Orissa State Aid to Industries Act, 1923 (B. & O. Act VI of 1923) (hereinafter referred to as the said Act),—

(a) the word “and” occurring at the end of clause (5) shall be omitted ; and

(b) at the end of clause (8), the word “and” shall be added.

3. *Amendment of section 3 of B. & O. Act VI of 1923.*—For sub-section (2) of section 3 of the said Act, the following sub-section shall be substituted and shall be deemed to have always been substituted, namely :—

“(2) Four of the members shall be elected by the members of the Bihar Legislative Assembly from among their own number, one of the members shall be elected by the members of the Bihar Legislative Council from among their own number, and four of the members shall be elected by such associations or other bodies as the State Government may select as best representing any particular classes of industries or interests. The number of such associations or other bodies as may be selected by the State Government shall be four, each of which shall elect one member for the purpose. The elections in the case of the Assembly and the Council shall be made in such manner as may be determined by the Speaker of the Assembly and the Chairman of the Council, respectively, and in the other cases in such manner as may be prescribed.”

4. *Amendment of section 32 of B. & O. Act VI of 1923.*—In sub-section (2) of section 32 of the said Act—

(a) clause (hh) shall be omitted ;

(b) at the end of clause (p), the word “and” shall be omitted ; and

(c) at the end of clause (q), the word “and” shall be added and after clause (q), as so amended, the following clause shall be added, namely :—

“(r) the conditions under which and the security on which loans shall be granted or guarantees of a cash credit, over-draft or fixed advance with a bank given to industries referred to in section 34.”

The Bihar Ministers' Salaries and Allowances Act, 1953.

Received the assent of the Governor on the 8th May, 1953, and was published in the *Bihar Gazette*, dated the 27th May, 1953.

Bihar Act XVI of 1953

An Act to determine the Salaries and Allowances of the Governor's Ministers.

WHEREAS provision has been made by clause (5) of Article 164 of the Constitution of India for the determination by a law of the Legislature of the State of the salaries and allowances of the Governor's Ministers ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Ministers' Salaries and Allowances Act, 1953.

2. *Salaries of Ministers.*—There shall be paid to each of the Ministers a salary at the rate of fifteen hundred rupees per month.

3. *Advances to Ministers for purchase of motor cars and grant of conveyance allowance.*—There may be paid to a Minister such amount of conveyance allowance and, by way of repayable advance, such sum of money for the purchase of a motor car and on such terms as the State Government may, by rules, determine in order that he may be able to discharge conveniently and efficiently the duties of his office :

Provided that the amount of conveyance allowance shall not exceed two hundred and fifty rupees per month and the provision of this section shall not apply to a Minister who keeps a motor car purchased by the State Government.

4. *Travelling and daily allowances to Ministers.*—A Minister shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as the State Government may, by rules, determine.

5. *Medical treatment, etc., to Ministers* —A Minister and the members of his family shall be entitled to such facilities and concessions in respect of free medical attendance and supply of medicines and of accommodation in hospitals as the State Government may, by rules, determine.

6. *Repeal.*—The Bihar Ministers' Salaries Act, 1937 (Bihar Act I of 1937), is hereby repealed.

The Bihar Harijan (Removal of Civil Disabilities) (Amending and Validating) Act, 1953.

Received the assent of the President on the 5th May, 1953, and was published in the *Bihar Gazette*, Extraordinary, dated the 4th June, 1953.

Bihar Act XVII of 1953

An Act to amend the Bihar Harijan (Removal of Civil Disabilities) Act, 1949, and to validate all orders made and proceedings taken in any part of the State under the said Act on and from the 1st day of December, 1949.

WHEREAS it is expedient to amend the Bihar *Harijan* (Removal of Civil Disabilities) Act, 1949 (Bihar Act XIX of 1949), in the manner hereinafter appearing and to validate all orders made and all proceedings taken in any part of the State under the said Act on and from the 1st day of December, 1949 :

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bihar *Harijan* (Removal of Civil Disabilities) (Amending and Validating) Act, 1953.

(2) It shall come into force at once.

2. *Amendment of section 1 of Bihar Act XIX of 1949.*—For sub-section (3) of section 1 of the Bihar *Harijan* (Removal of Civil Disabilities) Act, 1949 (Bihar Act XIX of 1949) (hereinafter referred to as the said Act), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

“(3) It shall come into force on the 1st day of December, 1949.”

3. *Validation of orders, rules and Acts.*—Notwithstanding anything contained in sub-section (3) of section 1 of the said Act, the said Act shall be deemed to have come into force on the 1st day of December, 1949, and all orders made, directions issued, penalties imposed, liabilities incurred or proceedings taken under any provision of the said Act or rules made thereunder in any area of the State between the aforesaid 1st day of December,

1949 and the date of commencement of this Act shall be deemed to be, and always deemed to have been issued, imposed, incurred or taken, as the case may be, as if the appropriate provision of the said Act or rules made thereunder was then in force in the said area.

The Bihar Maternity Benefit (Amendment) Act, 1953.

Received the assent of the Governor on the 23rd May, 1953 and was published in the *Bihar Gazette*, dated the 10th June, 1953.

Bihar Act XVIII of 1953.

An Act to amend the Bihar Maternity Benefit Act, 1947.

WHEREAS it is expedient to amend the Bihar Maternity Benefit Act, 1947 (Bihar Act XXIV of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Maternity Benefit (Amendment) Act, 1953.

2. *Amendment of section 2 of Bihar Act XXIV of 1947.*—In section 2 of the Bihar Maternity Benefit Act, 1947 (Bihar Act XXIV of 1947), (hereinafter referred to as the said Act),—

(i) for clause (d), the following clause shall be substituted, namely :—
“(d) ‘factory’ means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (LXIII of 1948), and includes a place declared to be a factory under section 85 of that Act but does not include a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, the manufacture of lac or sugar (including *gur*) or any manufacturing process which is incidental to or connected with any of the aforesaid processes ;”

(ii) in clause (e), for the figures “1934”, the figures “1948” shall be substituted ; and

(iii) for clause (m), the following clause shall be substituted, namely:—

“(m) ‘worker’ and ‘occupier’ have the same meanings as are respectively assigned to them in the Factories Act, 1948 (LXIII of 1948).”

3. *Amendment of section 10 of Bihar Act XXIV of 1947.*—In subsection (2) of section 10 of the said Act, for the words and figures “section 37 of the Factories Act, 1934”, the words and figures “section 55 of the Factories Act, 1948” shall be substituted.

4. *Amendment of section 15 of Bihar Act XXIV of 1947.*—In clause (c) of section 15 of the said Act, for the words and figures “section 41 of the Factories Act, 1934”, the words and figures “section 62 of the Factories Act, 1948” shall be substituted.

The Bihar Deputy Ministers' Salaries and Allowances (Amendment) Act, 1953.

Received the assent of the Governor on the 2nd June, 1953 and was published in the *Bihar Gazette*, Extraordinary, dated the 10th June, 1953.

Bihar Act XIX of 1953.

An Act to amend the Bihar Deputy Ministers' Salaries and Allowances Act, 1952.

WHEREAS it is expedient to amend the Bihar Deputy Ministers' Salaries and Allowances Act, 1952 (Bihar Act XVII of 1952), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Deputy Ministers' Salaries and Allowances (Amendment) Act, 1953.

2 *Insertion of new sections 6 and 7 in Bihar Act XVII of 1952.*—After section 5 of the Bihar Deputy Ministers' Salaries and Allowances Act, 1952 (Bihar Act XVII of 1952), the following sections shall be inserted, namely :—

"6. *Advances to Deputy Ministers for purchase of motor cars.*—There may be paid to a Deputy Minister such amount of conveyance allowance and, by way of repayable advance, such sum of money for the purchase of a motor car and on such terms as the State Government may, by rules, determine in order that he may be able to discharge conveniently and efficiently the duties of his office :

Provided that the amount of conveyance allowance shall not exceed two hundred rupees per month and the provision of this section shall not apply to a Deputy Minister who keeps a motor car purchased by the State Government.

7. *Medical treatment, etc., to Deputy Ministers.*—A Deputy Minister and the members of his family shall be entitled to such facilities and concessions in respect of free medical attendance and supply of medicines and of accommodation in hospitals as the State Government may, by rules, determine."

The Bihar Legislature (Officers' Salaries and Allowances) Act, 1953.

Received the assent of the Governor on the 2nd June, 1953, and was published in the *Bihar Gazette*, Extraordinary, dated the 10th June, 1953.

Bihar Act XX of 1953

An Act to determine the Salaries and Allowances of the Speaker and the Deputy Speaker of the Bihar Legislative Assembly and of the Chairman and the Deputy Chairman of the Bihar Legislative Council.

WHEREAS provision has been made by Article 186 of the Constitution of India for the determination by a law of the Legislature of the State of the salaries and allowances of the Speaker and the Deputy Speaker of the Bihar Legislative Assembly and of the Chairman and the Deputy Chairman of the Bihar Legislative Council ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Legislature (Officers' Salaries and Allowances) Act, 1953.

2. *Salaries of Speaker, Chairman, Deputy Speaker and Deputy Chairman.*—There shall be paid to—

(i) the Speaker of the Bihar Legislative Assembly, a salary at the rate of fifteen hundred rupees a month ;

(ii) the Chairman of the Bihar Legislative Council, a salary at the rate of fifteen hundred rupees a month ;

(iii) the Deputy Speaker of the Bihar Legislative Assembly, a salary at the rate of five hundred rupees a month ; and

(iv) the Deputy Chairman of the Bihar Legislative Council, a salary at the rate of five hundred rupees a month.

3. *Advances to Speaker and Chairman for purchase of motor cars and grant of conveyance allowance.*—There may be paid to the Speaker of the Bihar Legislative Assembly or the Chairman of the Bihar Legislative Council such amount of conveyance allowance and, by way of repayable advance, such sum of money for the purchase of a motor car and on such terms as the State Government may, by rules, determine in order that he may be able to discharge conveniently and efficiently the duties of his office :

Provided that the amount of conveyance allowance shall not exceed two hundred and fifty rupees per month, and the provision of this section shall not apply to the Speaker of the Bihar Legislative Assembly or the Chairman of the Bihar Legislative Council, as the case may be, who keeps a motor car purchased by the State Government.

4. *Travelling and daily allowances to the officers of the State Legislature.*—The officers of the State Legislature referred to in section 2 shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as the State Government may, by rules determine.

5. *Facilities for medical treatment.*—The officers of the State Legislature referred to in section 2 and the members of their families shall be entitled to such facilities and concessions in respect of free medical attendance and supply of medicines and of accommodation in hospitals as the State Government may, by rules, determine.

6. *Repeal.*—The Bihar Legislature (Officers' Salaries) Act, 1937 (Bihar Act 11 of 1937), is hereby repealed.

The Bihar Emergency Cultivation and Irrigation (Temporary Provisions) (Amendment) Act, 1953.

Received the assent of the Governor on the 5th June, 1953, and was published in the *Bihar Gazette*, dated the 1st July, 1953.

Bihar Act XXI of 1953

An Act to amend the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951.

WHEREAS it is expedient to amend the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951 (Bihar Act II of 1951), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) (Amendment) Act, 1953.

2. *Amendment of section 1 of Bihar Act II of 1951.*—In sub-section (3) of section 1 of the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951 (Bihar Act II of 1951), for the word and figures "30th June, 1953" ; the word and figures "30th June, 1955" shall be substituted.

The Bihar Evacuee Interest (Separation) Supplementary Act, 1953.

Received the assent of the Governor on the 11th June, 1953, and was published in the *Bihar Gazette*, dated the 1st July, 1953.

Bihar Act XXIII of 1953

An Act to supplement certain provisions of the Evacuee Interest (Separation) Act, 1951.

WHEREAS it is expedient to supplement certain provisions of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bihar Evacuee Interest (Separation) Supplementary Act, 1953.

(2) It extends to the whole of the State of Bihar.

(3) It shall be deemed to have come into force on the 15th day of December, 1952.

2. *Validation of certain provisions of Act LXIV of 1951.*—The Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), shall, so far as it

relates to any matter enumerated in List II in the Seventh Schedule to the Constitution of India, be as valid in the State of Bihar as if it had been passed by the Legislature of the State.

The Bihar Development of Homeopathic System of Medicine Act, 1953.

Received the assent of the President on the 16th July, 1953, and was published in the *Bihar Gazette*, Extraordinary, dated the 5th August 1953.

Bihar Act XXIV of 1953

An Act to provide for the Development of the Homeopathic system of Medicine and to regulate its teaching and practice in the State of Bihar.

WHEREAS it is expedient to provide for the development of the homeopathic system of medicine and to regulate its teaching and practice in the State of Bihar ;

It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Bihar Development of Homeopathic System of Medicine Act, 1953.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Board” means the Bihar State Board of Homeopathic Medicine constituted under section 3 ;

(b) “homeopathic practitioner” means a practitioner of the homeopathic system of medicine ;

(c) “homeopathy” means the system of medicine founded by Dr. Hahnemann or the allied system of biochemistry founded by Dr. Schussler and the expression “homeopathic” shall be construed accordingly ;

(d) “member” means a member of the Board ;

(e) “prescribed” means prescribed by rules made by the State Government under this Act ;

(f) “President” means the President of the Board ;

(g) “register” means a register of homeopathic practitioners maintained under section 21 ;

(h) “registered homeopathic practitioner” means a homeopathic practitioner whose name is for the time being entered in the register under section 22 ;

(i) “Registrar” means the Registrar appointed under section 19; and

(j) “regulations” means regulations made by the Board under this Act.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF BOARD.

3. *Establishment and constitution of Board.*—(1) The State Government may, by notification, establish a Board to be called the Bihar State Board of Homeopathic Medicine consisting of—

(a) a President to be nominated by the State Government ;

(b) four members to be nominated by the State Government.

(c) seven members to be elected in the prescribed manner by the registered homeopathic practitioners from amongst themselves ;

(d) two members to be elected by the Bihar Legislative Assembly from amongst its members in the prescribed manner ;

(e) one member to be elected by the Bihar Legislative Council from amongst its members in the prescribed manner ; and

(f) two members to be elected in the prescribed manner by the members of the Homeopathic Association or Associations recognised by the State Government for the State of Bihar :

Provided that when the Board is established for the first time, the President to be nominated under clause (a) and the members to be nominated under clause (b) and the members to be elected under clause (c), clause (d), clause (e) or clause (f) shall be appointed by the State Government and the Board as so constituted shall hold office for a period of three years from the date of the publication of the names of the President and members in the Official Gazette under section 6 or such further period as the State Government may, by notification, fix.

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and to transfer any such property subject to the prescribed conditions and shall, by the said name, sue or be sued.

4. *Nomination of members in default of election.*—If at any election any of the electorates specified in clauses (c), (d), (e) and (f) of sub-section (1) of section 3 fails by such date as may be prescribed to elect the requisite number of members or on the occurrence of any casual vacancy, to fill such vacancy as provided in section 9, the State Government shall nominate a person or persons possessing the requisite qualifications to fill such vacancy or vacancies from among the registered homeopathic practitioners or the members of the Bihar Legislative Assembly or the Bihar Legislative Council or the members of the Homeopathic Association or Associations recognised by the State Government for the State of Bihar, as the case may be, and the person or persons so nominated shall be deemed to have been duly elected under section 3.

5. *Term of office of members.*—Save as otherwise provided by this Act, the term of office of nominated and elected members of the second and every subsequent Board shall be for a period of three years from the date of publication of their names in the Official Gazette under section 6 and shall include any further period which may elapse between the expiration of the said period of three years and the date of the first meeting of the next succeeding Board at which a quorum is present.

6. *Publication of names of President and members.*—The names of the President and of any member nominated or elected under section 3 or nominated under section 4 shall be published by the State Government in the Official Gazette.

7. *Resignation of a member.*—(1) Any member may at any time resign his office by a letter addressed to the President. Such resignation shall take effect from the date on which it is accepted by the Board.

(2) The President may at any time resign his office by a letter addressed to the State Government. Such resignation, when accepted, shall be published in the Official Gazette and shall take effect from the date notified therein.

8. *Removal of President and members from office.*—(1) The Board may remove from office any member who—

(a) absents himself from three consecutive meetings of the Board without such reasons as may in the opinion of the Board be sufficient ; or

(b) is or becomes subject to any of the disqualifications specified in section 11 ; or

(c) refuses to act or becomes incapable of acting ; or

(d) being a legal practitioner, appears in any suit or proceeding, civil or criminal, against the Board :

Provided that before any member is removed from office, the Board shall call for an explanation from him and record its findings.

(2) Any member removed from office by the Board under sub-section (1) may, within thirty days from the date of his removal, appeal to the State Government and the order of the State Government on any such appeal shall be final.

(3) The State Government may remove the President from office on any of the grounds specified in sub-section (1) after calling for an explanation from him.

9. *Filling of casual vacancies.*—If the President or any member is unable by reason of his death, resignation, removal or otherwise to complete his full term of office, the vacancy so caused shall be filled by nomination or election, as the case may be, of another person within the prescribed period and the person so nominated or elected shall fill such vacancy for the unexpired period of the term for which the member in whose place such person is nominated or elected would otherwise have continued in office :

Provided that, in the case of an elected member, if the vacancy is for a period of six months or less, the Board may direct that the vacancy be left unfilled until the next general election.

10. *Eligibility of members for re-election.*—A member shall on the expiry of his term of office be eligible for re-nomination or re-election :

Provided that no person shall hold office as President of the Board for more than two consecutive terms.

11. *Disqualification for membership.*—No person shall be eligible for election or nomination as a member—

(a) who is less than twenty-five years of age ;

(b) who is of unsound mind and stands so declared by a competent Court ;

(c) who is an employee of the Board ;

(d) who has applied for being adjudged an insolvent or is an undischarged insolvent ;

(e) who has been convicted of any offence under this Act ;

(f) who has been convicted of an offence involving moral turpitude which, in the opinion of the State Government, unfits him to hold office ;

(g) who has, on any previous occasion, been removed from office under section 8 ;

(h) whose name has been removed from the register ; or

(i) who has, directly or indirectly, any share or interest in any contract with, by or on behalf of, the Board :

Provided that the State Government may, in any particular case, remove this disqualification.

12. *Allowances to members.*—(1) There shall be paid to the President and members such travelling and other allowances as may be prescribed.

(2) No member shall receive any pay or special pay as a member or President.

CHAPTER III

CONDUCT OF BUSINESS.

13. *Meeting of the Board.*—(1) The Board shall have an office at

Patna and shall meet at such time and place, and every meeting of the Board shall be summoned in such a manner, as may be provided by regulations :

Provided that until regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by a letter addressed to each member on a clear notice of fifteen days.

(2) No business shall be transacted at any meeting of the Board unless six members are present :

Provided that in an adjourned meeting, all business postponed for want of quorum at the original meeting may be transacted, if not less than three members attend such meeting.

14. President at meetings.—The President shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one from amongst themselves to preside at the meeting.

15. Decision by vote.—(1) All questions which may come before a meeting of the Board shall be decided by a majority of the votes of the members present and voting.

(2) In case of equality of votes, the President of the meeting shall have a second or casting vote.

16. Minutes of proceedings.—(1) Minutes of the proceedings of all meetings of the Board shall be entered in a book to be kept for the purpose, and shall be signed by the President of the meeting.

(2) A copy of the minutes of the proceedings of every meeting of the Board shall, within fifteen days from the date of the signature of the President on the minutes, be forwarded by the President to the State Government or to such authority as the State Government may direct.

17. Establishment of Advisory Committees.—(1) Subject to the rules made by the State Government in this behalf, the Board may, by resolution, appoint an Advisory Committee which may consist of as many of its own members or outsiders co-opted, or both, as it may, decide, for any purpose provided for in this Act.

(2) The Board may appoint a convener who shall preside at the meetings of such Committee. In the absence of the convener, the members present shall elect one from amongst themselves to preside at the meeting.

(3) All questions at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting at the meeting. In case of equality of votes, the person presiding shall have a second or casting vote.

(4) No business shall be transacted at any meeting of the Committee when either less than two members or less than one-fourth of the members constituting the Committee, whichever is more, are present.

(5) The proceedings of every meeting of the Committee shall be laid before the Board which may take on such proceedings such action as it deems fit.

(6) The members of the Advisory Committee shall be paid such travelling and other allowances as may be payable to the members of the Board under section 12.

(7) The disqualifications specified in sections 8 and 11 shall apply *mutatis mutandis* to the members of an Advisory Committee.

18. Validity of proceedings.—(1) No disqualification of, or defect in the election or nomination of, any person acting as the President or a member of the Board or as the presiding authority of a meeting shall be deemed to vitiate any act or proceeding of the Board in which such person

has taken part, if the majority of persons who took part in such act or proceeding were duly qualified members of the Board.

(2) No act or proceeding of the Board shall be deemed to be invalid only by reason of the existence of a vacancy in the Board.

CHAPTER IV

STAFF AND MEDICAL REGISTRATION AND FUNCTIONS OF THE BOARD.

19. *Registrar and other officers and servants of the Board.*—(1) The State Government shall appoint a Registrar who shall be the Secretary to the Board.

(2) The salary, allowances and other conditions of service of the Registrar shall be such as may be determined by the State Government.

(3) (i) The Board may, from time to time, appoint such other officers and servants as may be necessary for carrying out the purposes of this Act :

Provided that the number and designation of such officers and servants, their salaries and allowances shall be subject to the previous approval of the State Government.

(ii) The punishment, dismissal, discharge and removal of any such officer or servant shall be subject to rules made by the State Government in this behalf.

(4) All questions of pay, allowances, promotions, leave, pension and provident fund relating to the officers and servants, other than the Registrar, of the Board shall be governed by rules generally applicable to the servants of the State Government of a similar status.

(5) The Registrar or any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

(6) All officers and servants of the Board shall be under the direct control and supervision of the President.

20. *Powers and duties of Registrar and other officers and servants of the Board.*—(1) The Registrar and other officers and servants of the Board shall exercise such powers and perform such duties as may, from time to time, be conferred or imposed on them by this Act or rules or regulations made thereunder or by any general or special order of the Board.

(2) The Registrar may take part in the discussions before the Board, but shall not be entitled to vote.

21. *Register.*—(1) Subject to the provisions of this Act and subject to any general or special orders of the Board, it shall be the duty of the Registrar to maintain the register of registered homeopathic practitioners and, from time to time, revise the same.

(2) The register shall be kept in such form as may be prescribed and shall contain the name, address and qualifications of every registered homeopathic practitioner together with the date on which such qualifications were acquired.

(3) The Board may direct that any alteration in the entries, as respects additional qualifications, shall not be made except on payment of such fees as may be prescribed.

22. *Registration.*—(1) Every person who passes a qualifying examination under section 31 or 32 shall be entitled to have his name entered in the register.

(2) Notwithstanding anything contained in sub-section (1), every person—

(i) whose name has been entered in the list prepared under section

24 and who proves to the satisfaction of the Registrar that he has passed Matriculation examination or any equivalent or higher examination and has been practising as a whole-time or part-time practitioner of the homeopathic system of medicine for a period of not less than three years on the first day of January, 1954, or

(ii) who in the opinion of the Board, is a fit person to be entered in the register by virtue of his eminent position as a whole-time or part-time practitioner of the homeopathic system of medicine for a period of not less than three years on the first day of January, 1954, and who has applied for the registration of his name in the register before such date as may be notified in this behalf by the State Government in the Official Gazette, shall be entitled to have his name entered in the register.

(3) Every person who is entitled to be registered under sub-section (1) or (2) and who applies for the registration of his name shall be liable to pay twenty-five rupees as registration fee.

(4) The names of persons whose names have been entered in the register and the names of those whose applications have been rejected shall be published by the Registrar in the Official Gazette.

23. *Appeal to the Board from the decision of the Registrar.*—(1) Any person aggrieved by any decision of the Registrar regarding the registration of any person or the making of any entry in the register may within ninety days of the publication of the names under sub-section (4) of section 22, appeal to the Board.

(2) Such appeal shall be heard and decided by the Board in the prescribed manner.

(3) The Board may, of its own motion, or on application by any person, after due and proper inquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if, in the opinion of the Board, such entry was fraudulently or incorrectly made.

24. *Registrar to keep the register correct and up-to-date.*—The Registrar may, with a view to keeping the register correct and up-to-date, from time to time, remove from the register names of such registered homeopathic practitioners as are dead or write to any registered homeopathic practitioner at the address which is entered in the register to inquire whether he has ceased to practise or has changed his residence, and if no reply is received to the said letter within three months, the Registrar may issue a reminder by registered post and, in case no reply is received to the reminder within two months from the date of its issue, he may remove the name of the said practitioner from the register :

Provided that the Registrar may, if he thinks fit, direct that the name of the said practitioner be re-entered in the register on payment of the prescribed fee.

25. *Report of deaths to the Registrar and removal of names from register.*—(1) Every Registrar of Deaths who receives notice of the death of a person whose name he knows to be entered in the register shall forthwith transmit by post or otherwise to the Registrar a certificate of such death, signed by him and stating particulars of the time and place of death.

(2) On receipt of such certificate, or other reliable information regarding such death, the Registrar shall remove the name of the deceased person from the register.

26. Prohibition of entry in, or removal from, the register.—(1) The Board may prohibit the entry in, or order the removal from, the register the name of any homeopathic practitioner—

(a) who has been sentenced by a Criminal Court in any of the States of India to imprisonment for offence declared by the State Government to involve such moral turpitude as would render the entry or continuance of his name in the register undesirable ; or

(b) whom the Board after inquiry has found guilty of professional misconduct or other infamous conduct by a majority of at least two-thirds of the members present and voting in the meeting specially convened for the purpose :

Provided that the Board may entrust such inquiry to a Special Committee, which shall submit a report to the Board regarding the conduct of the homeopathic practitioner concerned.

(2) The enquiry referred to in clause (b) of sub-section (1) may be in the discretion of the Board or the Committee, as the case may be, held *in camera* and an opportunity shall be given to the homeopathic practitioner to be heard in his defence either personally or through an authorised agent.

(3) The Board may direct that the name of any person against whom an order has been made under sub-section (1) shall be entered or re-entered, as the case may be, after having satisfied itself that due to the lapse of time or otherwise, the disability mentioned in sub-section (1) has ceased to have any force.

27. Procedure in inquiries.—For the purpose of any inquiry held under clause (b) of sub-section (1) of section 26, the Board or the Committee, as the case may be, shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 (XXXVII of 1850), and the provisions of sections 5, 8 to 10, 14 to 16, 19 and 20 of the said Act, so far as may be, apply to every such inquiry.

28. Publication of names entered in the register.—(1) The Registrar shall, in every year from time to time, as occasion may require, on or before a date to be fixed in this behalf by the Board, publish in the Official Gazette and in such other manner as the Board may direct a correct list of names for the time being entered in the register and setting forth—

(a) all names entered in the register arranged in alphabetical order ;

(b) the registered address or appointment of each person whose name is entered in the register ; and

(c) the registered titles and qualifications of each such person and the date on which each such title was granted or each such qualification was certified.

(2) In every year in which such list has not been published, the Registrar shall cause to be printed and published, on or before a date fixed as aforesaid, a supplementary list setting forth—

(a) the particulars specified in clauses (a) to (c) of sub-section (1), in the manner therein laid down, in regard to the persons whose names have been entered in the register during the year to which such supplementary list appertains ; and

(b) the names of persons whose names have been removed from the register under any of the provisions of this Act during the said year.

(3) In any proceeding, it shall be presumed that every person entered in such list is a registered homeopathic practitioner and that any person not so entered is not a registered homeopathic practitioner :

Provided that in the case of a person whose name has been entered in the register after the last publication of the list, a certified copy, signed by the Registrar, of the entry of the name of such person in the register shall be evidence that such person is registered under this Act. Such certificate shall be issued free of charge.

29. *Preparation and maintenance of list of persons in practice on the first day of January, 1954.*—(1) The Registrar shall prepare list of persons practising in the State the homeopathic system of medicine on the first day of January, 1954, or any other date which may be notified in this behalf by the State Government in such manner as it thinks fit.

(2) Any person desirous of getting his name entered in the list referred to in sub-section (1) shall submit an application in the prescribed form together with the prescribed fee to the Registrar before such date as may be notified in this behalf by the Registrar.

(3) The Registrar, after making such inquiry as he deems fit, may either enter the name of the applicant in the list or reject the application. The names of persons whose names have been entered in the list and of those whose applications have been rejected shall be published in the Official Gazette.

(4) The provision of section 23 shall apply *mutatis mutandis* to any order passed by the Registrar under sub-section (3).

30. *Registered practitioners' certificate.*—Notwithstanding anything contained in any law for the time being in force—

(a) the expression “legally qualified medical practitioner” or “duly qualified medical practitioner” or any word importing a person recognised by law as a medical practitioner or a member of the medical profession, shall, in all enactments for the time being in force in the State of Bihar, in so far as such enactments relate to any of the matters specified in the State List or the Concurrent List appended to the Seventh Schedule to the Constitution of India, be deemed to include a registered homeopathic practitioner ;

(b) a registered homeopathic practitioner shall be eligible to hold any appointment as a Medical Officer in any dispensary, hospital, infirmary or lying-in-hospital supported by or receiving a grant from the State Government or any local authority and treating patients according to the homeopathic system of medicine ;

(c) a certificate required by any Act under any law or rule having the force of law from any medical practitioner or medical officer shall be valid, if such certificate has been granted by a registered homeopathic practitioner.

31. *Board to hold examination to test practitioners refused registration.*—(1) The Board shall, at any time within a period of three years after the date of the publication of the list of persons practising in the State of Bihar the homeopathic system of medicine on the first day of January, 1954, under section 29 or any other date notified thereunder, arrange, after giving such previous notice as it thinks fit, to hold examinations of all homeopathic practitioners who do not possess the registrable qualifications specified in section 22 or whose claim for registration has been refused under the foregoing provisions of this Chapter.

(2) The Board shall, by regulations, among others, lay down the qualifications required, and the fee to be paid, for admission to such examination, the subjects in which the examination shall be held, and the minimum standard of proficiency necessary to pass the examination.

(3) Any person who is declared by the Board to have passed the

qualifying examination may, subject to the other provisions of this Chapter, be entitled to have his name entered in the register.

32. Qualifying examination—(1) The Board shall, by regulations, lay down the qualifications required for admission to a course of training in the homeopathic system of medicine, the course of such training and the qualifying examinations and may establish and finance homeopathic dispensaries, hospitals, educational institutions in homeopathy to give such training and shall hold such examinations, grant certificates and confer degrees or diplomas.

(2) The Board may prescribe additional courses of study in different branches of medical science.

(3) It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practice of the homeopathic system of medicine and, for the purpose of securing such standard, the Board shall have authority to call on the governing body or the authorities of any institution giving instruction in such system—

(a) to furnish such particulars as the Board may require of any course of study prescribed by regulations, and

(b) to permit inspectors appointed by the Board to inspect the institution.

33. Appointment of Inspectors.—(1) The Board may appoint such number of inspectors as it may deem fit on such salary as the Board may, with the previous sanction of the State Government, determine.

(2) Such inspectors shall, in accordance with any general or special directions of the Board given from time to time, inspect the institutions established by or affiliated to the Board and they shall report to the Board in regard to the courses of study pursued and training imparted at every institution which they inspect and on any other matters with regard to which the Board may require them to report.

34. Granting recognition and withdrawing it.—(1) The Board may grant recognition to any institution imparting instruction to students for preparing them for the qualifying examination if it is satisfied that the instruction imparted in such institution comes up to the standard requisite for such recognition, and may at any time suspend or withdraw such recognition if, in the opinion of the Board, the institution is unable to impart instruction of the requisite standard :

Provided that the Board shall not order the suspension or withdrawal of such recognition without affording the committee of management of such institution an opportunity of making such representation as it may deem fit.

(2) An appeal shall lie to the State Government from the decision of the Board suspending or withdrawing the recognition within thirty days from such decision.

35. Other powers of the Board.—The Board shall have the following other powers, namely :—

(1) to institute exhibitions and award medals thereat and also to grant scholarships and medals to those who obtain a high position at the examinations held by the Board or are poor and deserving, and, with the sanction of the State Government, to grant to students scholarships for special study in research and manufacture of homeopathic medicine in any medical institution or reputed firm that the Board may think fit, whether in India or abroad, and to endow Chairs of Homeopathy in the institutions established or recognised by the Board ;

(2) to demand and receive from students such fees as may be prescribed for admission to the examinations held by the Board ;

(3) to exercise general supervision over the residential and disciplinary arrangements made by the institutions established or recognised by the Board and to make arrangements for promoting the health and general welfare of students receiving instruction in such institution ;

(4) to appoint examiners and publish the results of the examinations held by the Board ;

(5) to distribute, subject to rules made by the State Government, grants out of the funds placed by the State Government, at the disposal of the Board, to homeopathic dispensaries, hospitals and institutions imparting instruction in homeopathy and to suspend or withdraw grants to any such institution after affording the committee of management of such institutions an opportunity of making such representation as it may deem fit ;

(6) to establish or aid research institutions and to arrange for post-graduate study in the science of homeopathy and to encourage scientific manufacture of homeopathic medicines in the State ;

(7) to register and issue licences on payment of such fee as may be prescribed by regulations to reliable firms for sale of homeopathic medicines ;

(8) to establish, with the previous approval of the State Government, a Medical Faculty of Homeopathy ;

(9) to negotiate with any homeopathic medical authority outside the State, whether in India or abroad, for the reciprocal recognition of the medical qualification and to advise the State Government to take necessary steps in respect thereof ;

(10) to publish periodically homeopathic journals, and to circulate copies thereof among registered homeopathic practitioners on payment of suitable subscriptions ; and

(11) to do such acts, not inconsistent with the provisions of this Act, as may be necessary for the furtherance of the objects of the Act

36. *Certificate of registration and renewal thereof.*—(1) The Registrar shall grant or cause to be granted to any person whose name has been initially entered in the register under section 22 a certificate of registration.

(2) On or before the 15th day of January in each year, every person whose name is for the time being entered in the register may apply in the prescribed form for the renewal of his certificate of registration and pay a fee of five rupees or any higher amount of fee which the Board may, with the previous sanction of the State Government, fix, and thereupon the Registrar shall renew the certificate of registration which shall remain valid until the 31st day of December of that year.

(3) If any person as aforesaid fails to comply with all or any of the requirements of the last foregoing sub-section on or before the first day of February in any year, the Registrar shall, by notice in writing, require him to comply therewith, and, if he fails to do so within one month from the date of the notice, or within such further time as the Registrar may in special circumstances allow, shall cause his name to be removed from the register.

CHAPTER V

FINANCES OF THE BOARD

37. *Homeopathic Fund.*—There shall be established a fund to be called the Homeopathic Fund which shall be vested in the Board and there shall be placed to the credit thereof—

(a) all sums allotted to the Board out of Consolidated Fund of the State by the State Government and all sums borrowed by the Board for the purpose of carrying out the provisions of this Act ;

(b) all fees received by the Board on account of the registration of homeopathic practitioners and renewal of their certificates of registration or on account of the entry of the names of persons in the list to be prepared under section 29, admission to the examinations held by the Board and licensing of firms for sale of homeopathic medicines and drugs under this Act ;

(c) all contributions or subsidies received from any local authority or private persons ; and

(d) all sums realized as costs or otherwise under this Act, or rules or regulations framed thereunder, not being fines or penalties.

38. Lump sum allotment and control over funds—(1) The State Government may place a lump sum allotment at the disposal of the Board every year for distribution according to rules to the homeopathic dispensaries and institutions in the State imparting instruction in homeopathy or carrying on any other activity connected with the aims and objects of the Act.

(2) The Board shall administer, subject to any general or special orders of the State Government, any funds placed at its disposal by the State Government for specific purposes.

39. Annual estimate of income and expenditure—(1) The President shall, at a meeting to be held in the month of December in each year, lay before the Board an estimate of the income and expenditure of the Board for the ensuing financial year.

(2) Every such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of the Act.

(3) Every such estimate shall be prepared in such form and shall contain such details as the State Government may, from time to time, direct.

(4) A copy of every such estimate shall be sent to each member at least fourteen clear days before the date of the meeting at which the estimate is to be laid before the Board.

40. Consideration of estimates by Board and its submission to the State Government—(1) The Board shall consider every estimate so laid before it and shall sanction the same, either without alteration or with such alterations as it may think fit.

(2) Every such estimate, as sanctioned by the Board, shall be submitted to the State Government which may at any time within one month after the receipt of the same—

(a) approve the estimate, or

(b) disallow the estimate or any portion thereof and return the estimate to the Board for amendment.

(3) If any estimate is so returned to the Board, it shall forthwith proceed to amend it and shall resubmit the estimate, as amended, to the State Government for such order as it deems fit and the order of the State Government thereon shall be final.

41. Restrictions on expenditure not included in the budget—(1) No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget grant or can be met by reappropriation or by drawing on the closing balance.

(2) The closing balance shall not be reduced below such amount as may, from time to time, be fixed by the State Government.

42. *Objects to which Homeopathic Fund may be applied.*—The Homeopathic Fund shall be applicable to the following objects, and in the following order :—

(a) to the repayment of debts incurred by the Board for the purposes of this Act ;

(b) to the payment of the salaries and allowances of the Registrar, inspectors and of the establishments employed by the Board for the purposes of this Act and to the payment of any provident fund contributions to the Registrar, inspectors and to the members of such establishments ;

(c) to the payment of the travelling and other allowances of the President and members of the Board ;

(d) to the payment of the travelling and other allowances of the members of the committees appointed by the Board ;

(e) to the payment of the cost of audit of the Homeopathic Fund ;

(f) to the expenses of any suit or proceeding to which the Board is a party ;

(g) to any object which may be declared by the Board at a meeting specially convened for the purpose, by a resolution in favour of which not less than two-thirds of the members present at such meeting shall have voted, to be an object to which the Homeopathic Fund may be applicable ; and

(h) to the payment of any other expense incurred by the Board in carrying out the provisions of this Act.

43. *Audit*—The accounts of the Board shall be subject to audit under the Bihar and Orissa Local Fund Audit Act, 1925 (B. & O. Act II of 1925), and for the purposes of the said Act, the Board shall be deemed to be a local authority whose accounts have been declared by the State Government to be subject to audit under section 3 of the said Act and the funds in the hands of the Board shall be deemed to be a local fund.

CHAPTER VI.

MISCELLANEOUS

44. *Reservation of certain appointments to registered homeopathic practitioners who have qualified themselves from institutions established or recognised by the Board.*—Except with the special sanction of the State Government, no homeopathic practitioner, other than a registered homeopathic practitioner who has qualified himself from an institution established or recognised by the Board, shall be competent to hold an appointment as medical officer of health, or as physician or other medical officer in a homeopathic hospital maintained or aided by the State Government or any local authority :

Provided that registered homeopathic practitioners in the employ of the State Government or a local authority on the date on which this Act comes into force shall continue to hold the said appointments.

45. *Bar to suits and other legal proceedings.*—(1) No suit or other legal proceeding shall lie against the State Government in respect of an act done in the exercise of the powers conferred by this Act or under the rules or regulations made thereunder.

(2) No suit or other legal proceeding shall be maintainable against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or of the President or of any officer or servant of the Board in respect of anything in good faith done or intended to be done under this Act or under the rules or regulations made thereunder.

46. Mode of proof of Board's records.—A copy of any proceeding, receipt, application, plan, notice, order or any entry in a register or other document in the possession of the Board shall, if duly certified by the Registrar or other person authorised by the Board in this behalf, be received as *prima facie* evidence of the existence of such proceeding, receipt, application, plan, notice, order or entry and of the matters therein recorded in every case where and to the same extent as the original proceeding, receipt, application, plan, notice, order or entry would, if produced, have been admissible to prove such matters.

47. Restriction on the summoning of Board's servants to produce documents—No member or officer or servant of the Board shall in any legal proceeding to which the Board is not a party be required to produce any register or document or to appear as a witness to prove the matters recorded therein unless by order of the Court made for special reasons.

48. Cognizance of offences.—(1) No Court other than the Court of a Magistrate of the first class shall take cognizance of, or try an offence under, this Act.

(2) No Court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by rules made in this behalf.

49. Conferring, granting or issuing of diploma, licence, etc., by unauthorised person—(1) No person, or association or institution other than the Board shall, confer, grant or issue, or hold himself out as entitled to confer, grant or issue, any degree, diploma, licence, which is identical with, or is a colourable imitation of, any degree, diploma or licence granted by the Board.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to one thousand rupees and, if the person so contravening is an association, every member of such association who knowingly or wilfully authorises or permits the contravention, shall, on conviction, be punishable with fine which may extend to one thousand rupees.

50. False assumption of degree, diploma or certificate to be an offence.—Whoever wilfully or falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by the Board under this Act or that he is a registered homeopathic practitioner or that he is entered in the list maintained under section 29 shall, on conviction, be punishable with fine which may extend to two hundred rupees for the first offence and with fine which may extend to five hundred rupees for every subsequent offence.

51. Power to supersede the Board.—If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act or has failed to perform any of the duties imposed upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period not exceeding six months as it may think fit and shall take steps to bring into existence a new Board.

52. Power to make regulations.—(1) The Board may, with the previous sanction of the State Government, make regulations, not inconsistent with this Act or the rules made thereunder, for any of the following matters, namely :—

(a) the time and place at which the Board shall hold its meetings under section 13 and the manner in which such meetings shall be convened ;

(b) the salary and allowances of officers and servants of the Board, other than the Registrar or inspector, under section 19 ;

(c) the procedure to be followed by the Registrar in making an inquiry under the provisions of sections 22 and 29 ;

(d) the qualifications required and the fee to be paid for admission into the test examination held under section 31 and the subjects in which examination shall be held and the requisite standard of proficiency to attain success at such examination ;

(e) the courses of study for training and qualifying examination held under section 32, the language in which the examination shall be conducted and instruction shall be given ;

(f) the admission of students to the bodies or institutions recognised under section 34 ;

(g) the conditions under which students shall be admitted to the courses for the degree, diploma, licence or certificate, and to the qualifying and prior examination ;

(h) the conditions on which institutions may be recognised by the Board under section 34 ;

(i) the conditions of residence of students in institutions recognised by the Board and the levying of fees for such residence ;

(j) the number, qualifications and emoluments of teachers engaged in institutions recognised by the Board ; and

(k) the conditions of appointment of examiners and the conduct of examinations.

(2) The State Government, on receiving regulations for sanction, may sanction or refuse to sanction the same or sanction them subject to such modification as it may think fit or return them to the Board for further consideration.

(3) All regulations shall be published in the Official Gazette.

(4) The State Government may, by notification, cancel any regulation.

53. Power to make rules.—(1) The State Government may, after previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to this generality of the foregoing power, the State Government may make rules for any of the following matters :—

(a) the time at which and the place and manner in which elections shall be held under section 3 ;

(b) the conditions subject to which the Board may transfer any property under sub-section (2) of section 3 ;

(c) the manner in which and the period within which vacancies shall be filled under section 9 ;

(d) the allowances payable to the President and members of the Board under section 12 ;

(e) the conduct of and the maintenance of correct minutes of meetings of the Board ;

(f) the salary, allowances and other conditions of service of the Registrar under section 19 ;

(g) the punishment, dismissal, discharge and removal of officers and servants of the Board other than the Registrar under clause (ii) of sub-section (3) of section 19 ;

(h) the exercise and performance of powers and duties by the Registrar and other officers and servants of the Board under section 20 ;

(i) the form of the register and the particulars to be entered therein under section 21 ;

(j) the fees chargeable for the alteration of entries in the register under section 21 ;

(k) the manner in which appeals against the decision of the Registrar shall be filed before and heard by the Board under section 23 or any other section ;

(l) the distribution of funds placed by the State Government at the disposal of the Board under section 36 ;

(m) the form of application and fees chargeable under this Act ;

(n) the furtherance of any of the objects of the Board as a teaching or examining body ;

(o) the furtherance of any other objects of the Board ; and

(p) any other matter which is required to be or may be prescribed.

54. *Repeal of Act VII of 1916 and Bihar Act XX of 1949 in so far as they relate to the Homeopathic and Biochemic systems of medicine.*—The Indian Medical Degrees Act, 1916 (VII of 1916), and the Indian Medical Degrees (Bihar Amendment) Act, 1949 (Bihar Act XX of 1949), in so far as the said Acts relate to the Homeopathic and Biochemic systems of medicine, are hereby repealed.

The Bihar Prevention and Control of Agricultural Pests, Diseases and Noxious Weeds Act, 1953.

Received the assent of the Governor on the 6th June, 1953, and was published in the *Bihar Gazette*, dated the 1st July, 1953.

Bihar Act XXII of 1953.

An Act to provide for the Prevention and Control of Insect Pests, Plant Diseases and Noxious Weeds Injurious to Crops, Plants or trees in the State of Bihar.

WHEREAS it is expedient to provide for the prevention and control of insect pests, plant diseases and noxious weeds injurious to crops, plants or trees in the State of Bihar ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Bihar Prevention and Control of Agricultural Pests, Diseases and Noxious Weeds Act, 1953.

(2) It extends to the whole of the State of Bihar.

2. *Definitions*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Agricultural Officer” means an agricultural officer appointed under section 10 ;

(b) “Deputy Director of Agriculture” means an officer in charge of a Range of the Agriculture Department comprising the local area notified under section 3 or any other person appointed by the State Government to discharge all or any of the functions of the Deputy Director of Agriculture under this Act ;

(c) "insect pest" means any insect or other invertebrate animal which has been declared to be an insect pest by notification under section 3 ;

(d) "notified area" means any area specified in the notification issued under section 3 in which a declaration made under the said section shall remain in force ;

(e) "noxious weed" means any weed declared to be a noxious weed by notification under section 3 ;

(f) "occupier" means the person having for the time being the right of occupation of land or his agent, authorised agent or any person in actual occupation of the land and includes a local authority having such right of occupation or in such actual occupation ;

(g) "plant" includes all agricultural or horticultural crops, trees, bushes or herbs or the seed, fruit or any part thereof which is used for food of man or beast or for any purpose in connection with art or manufacture ;

(h) "plant diseases" means any fungoid, bacterial virus, parasitical or other disease declared to be a plant disease by notification under section 3 ; and

(i) "prescribed" means prescribed by rules made under this Act.

3. *Power to declare insect pests, plant diseases, noxious weeds and direct measures to eradicate or prevent them.*—Whenever it appears to the State Government that any pest, disease or weed is injurious to plants in any local area and that it is necessary to take measures to eradicate such pest, disease or weed, or to prevent its appearance, spread or re-appearance, the State Government may, by notification in the Official Gazette and in such other manner as may be prescribed,—

(i) declare that such pest, disease or weed is an insect pest, plant disease or noxious weed ;

(ii) specify the local area within which and the period during which the declaration shall remain in force ;

(iii) prohibit or restrict the movement or removal of any plant, earth, soil or manure from any place in the notified area to any place outside it ;

(iv) direct the carrying out of such preventive or remedial measures, including the destruction of any insect pest, plant disease or noxious weed or any plants as the State Government may deem necessary in order to eradicate such pest, disease or weed or to prevent its introduction, spread or re-appearance ; and

(v) prescribe the period within which it shall not be lawful to plant with a specified crop the whole or any portion of the notified area.

4. *Duties of occupier on the issue of a notification under section 3.*—On the issue of a notification under section 3, every occupier within the notified area shall be bound to carry out the preventive or remedial measures mentioned in such notification.

5. *Power of Agricultural Officer to enter upon any land.*—Any Agricultural Officer may, after giving the prescribed notice, enter upon any land situated in the notified area within his local jurisdiction for the purpose of ascertaining—

(i) whether there is any insect pest, plant disease or noxious weed on such land ; and

(ii) whether the preventive or remedial measures or both, as the case may require, mentioned in the notification issued under section 3 have been carried out.

6. *Notice to occupier to carry out preventive or remedial measures.*—

(1) If, on the inspection of any land under section 5, the Agricultural Officer finds that there is an insect pest, plant disease or noxious weed on such land and that the preventive or remedial measures mentioned in the notification issued under section 3 have not been carried out, the Agricultural Officer may, subject to any general or special orders of the State Government, call upon the occupier of such land, by notice in writing, to carry out such preventive or remedial measures within the time specified in such notice.

(2) Within seven days from the date of the service upon him of the notice under sub-section (1) the occupier may prefer an appeal to the Deputy Director of Agriculture or to such other officer as the State Government may appoint.

(3) On receipt of the appeal under sub-section (2), the Deputy Director of Agriculture or other officer, as the case may be, may extend the time specified in the notice under sub-section (1) and shall, after giving the occupier an opportunity of being heard, pass such order on the appeal as he thinks fit.

(4) An order passed under sub-section (3) of this section shall be final and conclusive and shall not be liable to be called in question in any Court.

(5) The State Government may grant such subsidy as may be prescribed to an occupier who carries out the preventive or remedial measures contained in the order of the Agricultural Officer, subject to any order in appeal, under this section.

7 *Failure to comply with notice under section 6 and power of Agricultural Officers to carry out measures*—(1) If any occupier upon whom a notice has been served under sub-section (1) of section 6 does not comply with such notice within the time specified therein, or if an appeal has been preferred under sub-section (2) of section 6, does not comply with the order passed on such appeal within the time specified in such order, the Agricultural Officer may carry out at the expense of the occupier, to be calculated in the prescribed manner, the preventive or remedial measures mentioned in such notice or order :

Provided that the charges for the use of implements shall not be included in such calculation.

(2) The costs of any preventive or remedial measures carried out under sub-section (1) shall be payable by the occupier and shall be recoverable from him as an arrear of land revenue.

(3) Any such occupier may, within thirty day from the date of the first demand of such costs from him, prefer an appeal to the Deputy Director of Agriculture or to such other officer as the State Government may appoint in this behalf on the ground that the cost includes charges for items other than those prescribed, or that the charges for any of the prescribed items are unreasonable.

(4) On receipt of the appeal under sub-section (3), the Deputy Director of Agriculture or other officer appointed by the State Government shall, after giving the occupier an opportunity of being heard, pass such orders thereon as he thinks fit.

(5) An order passed under sub-section (4) shall be final and conclusive and shall not be liable to be called in question in any Court.

8. *Duty of certain village officers to report appearance of insect pests, plant diseases or noxious weeds*.—(1) If any insect pest, plant disease or noxious weed appears in any village adjoining a notified area, the mukhia

of the *Gram Panchayat*, the *chaukidar* or headman of such village shall forthwith report the fact to such officer as the State Government may appoint in this behalf.

(2) Such officer shall, on receipt of such report and after making such further inquiry as he may deem necessary, forward it to the State Government through the Director of Agriculture with his remarks thereon and the State Government may pass such order thereon as it thinks fit.

9. *Offences and penalties.*—(1) Whoever removes any plant, earth, soil or manure in contravention of the directions contained in a notification issued under section 3 shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees or, in default, with simple imprisonment for a period not exceeding ten days.

(2) Any occupier who fails to comply with a notice given under sub-section (1) of section 6 or with any order passed on appeal under sub-section (3) of section 6 shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees or, in default, with simple imprisonment for a period not exceeding ten days.

(3) Whoever having once been convicted of an offence under sub-section (1) or (2) is again convicted of an offence under either of these sub-sections shall be punishable with fine which may extend to one hundred rupees or, in default, with simple imprisonment not exceeding fifteen days.

10. *Appointment of Agricultural Officers.*—The State Government may, by notification in the Official Gazette, appoint persons not below the rank of a member of class II of the Bihar Agricultural Service as Agricultural Officers for such local areas as may be specified in the notification.

11. *Bar of suits or other legal proceedings.*—(1) No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State Government or any other person in respect of anything in good faith done or intended to be done under this Act or for any damage to property caused by any action taken in good faith in carrying out the provisions of this Act.

(2) No prosecution under this Act shall be commenced without the previous sanction of the Deputy Director of Agriculture or any other officer authorised by the State Government in this behalf or, in any case, after three months from the date of the commission of the alleged offence.

12. *Delegation of powers.*—The powers conferred on the State Government under this Act may, with the exception of the powers under section 13, be delegated by the State Government to the Director of Agriculture.

13. *Power to make rules.*—(1) The State Government may, from time to time, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following purposes :—

- (a) the form or manner of giving notice under section 5 ;
- (b) the manner of making an inquiry under section 5 ;
- (c) the method of publication of description of insect pests, plant diseases, noxious weeds and the treatment to be followed ;
- (d) prescribing the subsidy which the State Government may pay to an occupier under sub-section (5) of section 6 ;
- (e) prescribing the manner in which the cost should be calculated under sub-section (1) of section 7 and the items which should be taken into account in calculating such costs ;
- (f) prescribing the officers to whom an appeal may be made and the procedure to be followed in such appeal under sections 6 and 7 ;

(g) prescribing the notices and methods of service thereof, and registers needed for the effective working of the Act ; and

(h) any other matter which is required to be or may be prescribed.

(3) The rules made under this section shall be subject to the condition of being made after previous publication.

The Bihar Displaced Persons (Rehabilitation Loans) Act, 1953.

Received the assent of the President on the 28th July 1953 and was published in the *Bihar Gazette*, Part IV, dated the 19th August 1953.

Bihar Act XXV of 1953

An Act to provide for the grant of loans to displaced persons in the State of Bihar for their rehabilitation and for recovery thereof.

WHEREAS it is expedient to provide for the grant of loans to displaced persons in the State of Bihar for their rehabilitation and for the recovery thereof ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement* —(1) This Act may be called the Bihar Displaced Persons (Rehabilitation Loans) Act, 1953.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force at once.

2. *Definitions*.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “borrower” means a displaced person to whom a loan has been granted under this Act and includes—

(i) a company, association or body of displaced persons, whether incorporated or not ; and

(ii) the heirs, successors, assigns and sureties of a borrower ;

(b) “Collector” means the Collector of the district and includes the Additional District Magistrate of Saharsa, Additional Deputy Commissioner of Dhanbad and any officer authorised by the State Government to discharge any of the functions of a Collector under this Act ;

(c) “company” means a company as defined in the Indian Companies Act, 1913 (VII of 1913) ;

(d) “displaced person” means a person displaced from the territories now comprised in Pakistan, who is, for the time being, resident in the State of Bihar and—

(i) who has been registered under section 4 of the Bihar Refugees Registration and Movement Ordinance, 1948 (Bihar Ordinance No. I of 1948) ; or

(ii) who, in the opinion of the State Government, or of such authority as may be prescribed from time to time by the State Government, has migrated from Pakistan after the first day of March, 1947, and has been registered as a displaced person under any order of the State Government ;

(e) “loan” means a loan granted under the provisions of this Act, in cash or in kind, and shall include any sum referred to in sub-section (4) of section 4 ;

(f) “prescribed” means prescribed by rules made under this Act ;

(g) “Relief and Rehabilitation Commissioner” means an officer appointed as such by the State Government ; and

(h) “sanctioning authority” means the authority who sanctions a loan.

3. *Application for loan*.—A displaced person may submit to the Collector within whose jurisdiction he resides or carries on trade, profession

or calling, or intends to do so, an application for loan in such form as may be prescribed.

4. *Grant of loans.*—(1) The Collector may, subject to any general or special direction of the State Government, sanction loans not exceeding such amount as may from time to time be fixed by the State Government; and he shall forward to the Relief and Rehabilitation Commissioner with his remarks such applications as require loans exceeding the amount he is authorised to sanction.

(2) The Relief and Rehabilitation Commissioner may, subject to any general or special direction of the State Government, sanction loans not exceeding such amount as may be fixed by the State Government.

(3) The Relief and Rehabilitation Commissioner shall forward to the State Government with his remarks such applications as require loans exceeding the amount he is authorised to sanction and the State Government may, thereupon, sanction such amount of loan as it thinks fit.

(4) Any sum assessed on a displaced person by the State Government out of the expenditure incurred by the State Government on reclamation of land, irrigation, trade and business and establishment of colonies for the rehabilitation of displaced persons shall be deemed to be a loan sanctioned under this section.

5. *Execution of loan bond*—Before receiving payment of the loan, the borrower shall execute a bond with two sureties in the prescribed form, undertaking to apply the amount of loan solely for the purpose for which, and to comply with the terms and conditions on which, the loan is sanctioned and the borrower and the sureties shall be jointly and severally liable for the repayment of the loan and such bond shall include any sum referred to in sub-section (4) of section 4.

6. *Security for loan.*—(1) All assets acquired with the loan shall be deemed to be mortgaged or hypothecated, as the case may be, to the State Government for the repayment of the loan with interest due thereon and the amount of the loan and the interest thereon shall be the first charge on such assets.

(2) Subject to the provisions of sub-section (1), the borrower shall not, without the prior approval of the sanctioning authority, mortgage, convey or otherwise transfer any of his interests in the whole or any part of the assets acquired with the loan, and any mortgage, conveyance or other transfer without such approval shall be void as against the State Government :

Provided that nothing in this section shall affect the borrower's right to sell such articles of his stock-in-trade as are meant for sale to customers in the normal course of business

7. *Inspection of assets*—Any person authorised in this behalf by the sanctioning authority or the Collector may enter any place or premises for inspecting any land, construction, machinery, appliance materials or stock-in-trade acquired or hired or proposed to be acquired or hired by any borrower with the loan granted to him.

8. *Information to be furnished by borrower.*—The borrower shall be bound to furnish any information which the sanctioning authority or the Collector may require relating to the purpose or purposes for which the loan was advanced, the manner in which the loan has been or is being utilised and the financial position of the borrower.

9. *Power to require repayment before due period.*—(1) Notwithstanding any other provision to the contrary in this Act or in the rules made thereunder or in any agreement, the Collector may, after giving the borro-

wer an opportunity to show cause, order the borrower to repay the loan in full or any part of it, with interest, within such time as may be specified in the order under one or more of the following circumstances, namely :—

(i) if the borrower furnished any false or misleading information or suppressed any fact in obtaining the loan ; or
(ii) if the borrower fails to comply with the terms and conditions under which the loan has been sanctioned ; or
(iii) if the Collector is satisfied that the borrower has applied any portion of the loan for purposes other than those for which it was granted ;
or

(iv) if the borrower has wilfully or by negligence caused material deterioration to the assets acquired with the loan ; or

(v) if the borrower obstructs any person from entering any place or premises or making an inspection ; or

(vi) if the borrower fails to furnish any information required by the sanctioning authority or the Collector ; or

(vii) if the Collector considers it essential to effect immediate recovery of the loan in order to protect the interest of the State Government.

(2) An appeal shall lie to the State Government against an order passed under sub-section (1) within such period and in such manner as may be prescribed and the decision of the State Government thereon shall be final.

10. Power to postpone realisation or to write off—Notwithstanding anything contained in this Act or the rules made thereunder—

(a) the State Government or such other authority as may be prescribed may postpone the realisation of any instalment of the loan with interest thereon ; and

(b) the State Government may write off any portion of the loan or of any interest thereon.

11. Power to make recovery or to take over assets.—If the borrower fails to repay any amount of the loan or to pay any interest thereon under the terms and conditions of the loan or under the provisions of section 9, the Collector may—

(a) recover as arrears of land revenue such loan, instalment, interest or any cost incurred in recovering the loan with interest and also incidental expenses incurred in issuing the loan ; and

(b) take over in whole or in part, the assets acquired with the loan on such terms and conditions as may be determined by the State Government.

12. Delegation of powers.—Subject to the provisions of this Act,—

(i) the State Government may by order delegate all or any of its powers, duties and functions under this Act or the rules made thereunder to any officer under its control ; and

(ii) the Relief and Rehabilitation Commissioner or the Collector may, with the sanction of the State Government, delegate any of his powers, duties and functions under this Act to any other officer under the control of the State Government.

13. Protection of action taken under the Act.—No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

14. Remission of stamp duty and registration fee—The State Government may, by notification, remit the stamp duty under any law for the time being in force or any fee under the law of registration for the time

being in force, chargeable on any instrument executed under this Act or the rules made thereunder by or on behalf of a displaced person.

15. Retrospective application of the Act to prior loans.—Every loan granted since the first day of March, 1947, to a displaced person for his rehabilitation by the State Government or by any officer or authority subordinate to the State Government shall, for the purpose of its recovery, be deemed to be a loan granted under this Act and the provisions of this Act relating to repayment and recovery of loan shall apply to such loan.

16 General powers of superintendence, direction and control of the Relief and Rehabilitation Commissioner.—The Relief and Rehabilitation Commissioner shall, for the purpose of this Act, have general powers of superintendence, direction and control over the Collector.

17. Bar of jurisdiction of Court.—The decision of the State Government as to whether the conditions of this Act have been satisfied shall be final ; and any order passed under this Act shall not be questioned in any Civil or Criminal Court.

18. Power to make rules.—(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the forms of application for loan, order of the sanctioning authority, the bond and any other instrument to be executed by the borrower and the notices and directions issued by the sanctioning authority and other authorities ;

(b) the terms and conditions of loans and fixation of instalments ;

(c) the fixation of the rate of interest and the manner of calculation thereof ;

(d) the extent, and manner of issue, of loans and the procedure for realisation ;

(e) the form and manner in which accounts and registers are to be maintained ;

(f) the manner and circumstances in which remission of principal or interest may be granted and suspension of realisation may be allowed ;

(g) the manner in which and the period within which an appeal under sub-section (2) of section 9 may be preferred ;

(h) the manner and the machinery for investigation into application for loans and into the proper utilisation of the loan money ; and

(i) all matters which are required by this Act to be prescribed.

The Bihar Maintenance of Public Order (Amendment) Act, 1953.

Received the assent of the President on the 29th July 1953 and was published in the *Bihar Gazette*, Extraordinary, dated the 25th August 1953.

Bihar Act XXVI of 1953.

An Act to amend the Bihar Maintenance of Public Order Act, 1949.

WHEREAS it is expedient to amend the Bihar Maintenance of Public Order Act, 1949 (Bihar Act III of 1950), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Bihar Maintenance of Public Order (Amendment) Act, 1953.

2. Amendment of the long title of, and the preamble to, Bihar Act III of 1950.—In the long title of, and the preamble to, the Bihar Maintenance

of Public Order Act, 1949 (Bihar Act III of 1950) (hereinafter referred to as the said Act),—

(a) the words "imposition of censorship" shall be omitted; and

(b) after the words "maintenance of public order", the words "and of services and supplies essential to the life of the community" shall be inserted.

3. *Amendment of section 2 of Bihar Act III of 1950.*—In the opening paragraph of sub-section (1) of section 2 of the said Act, after the words "maintenance of public order" the words "and of services and supplies essential to the life of the community" shall be inserted.

The Bihar Hindu Religious Trusts (Amendment) Act, 1953.

Received the assent of the President on the 1st August 1953, and was published in the *Bihar Gazette*, Extraordinary, dated the 25th August 1953.

Bihar Act XXVII of 1953

An Act to amend the Bihar Hindu Religious Trusts Act, 1950.

WHEREAS it is expedient to amend the Bihar Hindu Religious Trusts Act, 1950 (I of 1951), in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Bihar Hindu Religious Trusts (Amendment) Act, 1953.

2. *Amendment of section 2 of Bihar Act I of 1951.*—For clause (o) of section 2 of the Bihar Hindu Religious Trusts Act, 1950 (Bihar Act I of 1951) (hereinafter referred to as the said Act), the following clause shall be substituted, namely :—

"(o) 'Trust Fund' means the Bihar State Board of Religious Trust Fund, the Bihar State Board of Swetambar Jain Religious Trust Fund or the Bihar State Board of Digambar Jain Religious Trust Fund, as the case may be, formed under section 69."

3. *Amendment of section 8 of Bihar Act I of 1951.*—For the proviso to clause (c) of sub-section (1) of section 8 of the said Act, the following proviso shall be substituted, namely :—

"Provided that of the persons to be so elected,—

(i) not more than four shall be members of the State Legislature and Parliament; and

(ii) of the remaining seven, at least one shall be a Buddhist, unless there is no Buddhist candidate for such election."

4. *Amendment of section 15 of Bihar Act I of 1951.*—In sub-section (1) of section 15 of the said Act, after the word "Patna", the words "or at such other place as the State Government may, in consultation with the Board, by notification, determine," shall be inserted.

5. *Amendment of section 59 of Bihar Act I of 1951.*—After clause (b) of sub-section (1) of section 59 of the said Act, the following proviso shall be inserted, namely :—

"Provided that the State Government may, from time to time, extend by notification, the period mentioned in clauses (a) and (b)."

6. *Substitution of new section for section 69 of Bihar Act I of 1951.*—For section 69 of the said Act, the following section shall be substituted, namely :—

"69. *Creation of Trust Funds.*—(1) There shall be formed a separate Trust Fund for each of the Bihar State Board of Religious Trusts, the Bihar State Board of Swetambar Jain Religious Trusts and the Bihar

State Board of Digambar Jain Religious Trusts to be respectively known as the Bihar State Board of Religious Trust Fund, the Bihar State Board of Svetambar Jain Religious Trust Fund and the Bihar State Board of Digambar Jain Religious Trust Fund, and there shall be placed to the credit of—

(i) the Bihar State Board of Religious Trust Fund—

(a) all sums received by the Bihar State Board of Religious Trusts as donations and grants ;

(b) all sums received by the Bihar State Board of Religious Trusts as fines under section 67 ;

(c) all sums received by the Bihar State Board of Religious Trusts as fees under section 70 ;

(d) all receipts by the Bihar State Board of Religious Trusts in respect of fees for inspection and supplying copies of any documents ;

(e) all sums received or recovered by the Bihar State Board of Religious Trusts as costs awarded to it in any suit or proceeding ; and

(f) all sums received or recovered by the Bihar State Board of Religious Trusts on any other account except certified sums received or recovered by it under section 64 ;

(ii) the Bihar State Board of Svetambar Jain Religious Trust Fund—

(a) all sums received by the Bihar State Board of Svetambar Jain Religious Trusts as donations and grants ;

(b) all sums received from trustees of Svetambar Jain Religious Trusts and fines under section 67 ;

(c) all sums received from trustees of Svetambar Jain Religious Trusts as fees under section 70 ;

(d) all receipts by the Bihar State Board of Svetambar Jain Religious Trusts in respect of fees for inspection and supplying copies of any documents ;

(e) all sums received or recovered by the Bihar State Board of Svetambar Jain Religious Trusts as costs awarded to it in any suit or proceeding ; and

(f) all sums received or recovered by the Bihar State Board of Svetambar Jain Religious Trusts on any other account except certified sums received or recovered by it under section 64 ; and

(iii) the Bihar State Board of Digambar Jain Religious Trust Fund—

(a) all sums received by the Bihar State Board of Digambar Jain Religious Trusts as donations and grants ;

(b) all sums received from trustees of Digambar Jain Religious Trusts as fines under section 67 ;

(c) all sums received from trustees of Digambar Jain Religious Trusts as fees under section 70 ;

(d) all receipts by the Bihar State Board of Digambar Jain Religious Trusts in respect of fees for inspection and supplying copies of any documents ;

(e) all sums received or recovered by the Bihar State Board of Digambar Jain Religious Trusts as costs awarded to it in any suit or proceeding ; and

(f) all sums received or recovered by the Bihar State Board of Digambar Jain Religious Trusts on any other account except certified sums received or recovered by it under section 64.

(2) The Trust Fund for each Board shall be vested in the Board concerned and the balance standing to the credit of the Fund shall be kept in

such custody as the State Government may, from time to time, direct."

The Bihar Mica (Amendment) Act, 1953.

Received the assent of the President on the 21st August 1953 and was published in the *Bihar Gazette*, Part IV, dated the 23rd September 1953.

Bihar Act XXVIII of 1953

An Act to amend the Bihar Mica Act, 1947.

WHEREAS it is expedient to amend the Bihar Mica Act, 1947 (Bihar Act X of 1948), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Mica (Amendment) Act, 1953.

2. *Amendment of section 2 of Bihar Act X of 1948.*—In section 2 of the Bihar Mica Act, 1947 (Bihar Act X of 1948) (hereinafter referred to as the said Act), clauses (f) and (g) shall be omitted.

3. *Amendment of section 4 of Bihar Act X of 1948*—In section 4 of the said Act—

(a) in sub-section (1)—

(i) in clause (a), the words "or a digger's permit" shall be omitted ;

(ii) in clauses (e) and (f), for the words "registered proprietor or digger", in the two places in which they occur, the words "or registered proprietor" shall be substituted ; and

(b) after sub-section (3), the following sub-sections shall be added, namely :—

"(4) If any license or proprietor's certificate ceases to be in force by reason of the death of the licensee or the registered proprietor, as the case may be, it shall be the duty of his legal representative, and if he has more than one legal representative, all legal representatives, to furnish to the Controller within six months of the date of the death of the licensee or the registered proprietor, a true and correct account of any mica left in the possession of such licensee or registered proprietor on the date of his death.

(5) The Controller may, after such inquiry as he thinks fit, by order, permit such legal representative or representatives to sell or otherwise dispose of any mica, in respect of which particulars have been furnished under sub-section (4), within such period, not exceeding six months from the date of the order, and subject to such conditions, if any, as may be specified in the order.

(6) If any legal representative or representatives of any such deceased licensee or registered proprietor fails or fail to furnish a true and correct account of any mica, as required by sub-section (4) or to sell or otherwise dispose of any such mica within the period specified in an order under sub-section (5) or within such further time as may have been allowed by the Controller in this behalf, the Controller may order that such mica shall be forfeited to the State Government.

(7) If any license or proprietor's certificate ceases to be in force by reason of the death of the licensee or registered proprietor, the Controller may, on application and after making such inquiry as he thinks fit, grant a temporary license or proprietor's certificate, as the case may be, to his heir or heirs for a period not exceeding six months.

(8) Any person aggrieved by an order passed by the Controller under sub-section (5) or sub-section (4) may, within thirty days from the date of the order, appeal to the Commissioner of the Division whose decision shall be final."

4. *Amendment of section 5 of Bihar Act X of 1948.*—In section 5 of the said Act, at the end of sub-section (1), the following shall be added, namely :—

“Such certificate shall remain in force up to the 31st day of December following the date on which it is granted :—

Provided that the certificate may be renewed every year on payment of the annual fee in accordance with the provision of sub-section (2).”

5. *Amendment of section 6 of Bihar Act X of 1948.*—In section 6 of the said Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“The Controller shall, on the application of any person and on payment by such person of a fee of two hundred and fifty rupees grant to such person a miner's license or a dealer's license. Such license shall remain in force up to the 31st day of December following the date on which it is granted :

Provided that the Controller may refuse to grant such a license to a person who—

(i) is convicted of an offence under Chapter XVII of the Indian Penal Code (XLV of 1860), committed in respect of mica, or

(ii) is not in lawful possession of any mica mine :

Provided further that the Controller shall not grant a miner's license to a person who does not hold a certificate of approval from the State Government under the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), and the rules made thereunder :

Provided also that the license may be renewed every year on payment of the annual fee in accordance with the provision of sub-section (3) ;

(b) in sub-section (2), after the words “whose order”, the words, figures and letter “subject to any order of the State Government under section 26A” shall be inserted ;

(c) after sub-section (5), the following sub-section shall be inserted, namely :—

“(6) When granting a miner's license under sub-section (1), or renewing such license under sub-section (3), the Controller shall endorse on the license the particulars of the mines in lawful possession of the licensee and may, at any time, make any change in such particulars.”; and

(d) at the end of the section, the following *Explanation* shall be added, namely :—

“*Explanation.*—A person shall be deemed to be not in lawful possession of a mica mine, if he does not hold a valid lease under the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), and the rules made thereunder.”

6. *Amendment of section 7 of Bihar Act X of 1948.*—(1) Section 7 of the Act shall be re-numbered as sub-section (1) of section 7 and to the said sub-section, as so re-numbered, the following proviso shall be added, namely :—

“Provided that the Controller may refuse to endorse on such license or proprietor's certificate the name of any person who is convicted of an offence under Chapter XVII of the Indian Penal Code (XLV of 1860), committed in respect of mica or, where necessary, remove the name of such person from such license or proprietor's certificate.”

(2) After sub-section (1), the following sub-section shall be inserted, namely :—

"(2) Any person aggrieved by an order of the Controller under the proviso to sub-section (1) may, within thirty days of the order of the Controller, appeal to the Commissioner of the Division whose order, subject to any order of the State Government under section 26A, shall be final."

7. *Insertion of new section 7A in Bihar Act X of 1948.*—After section 7 of the said Act, the following section shall be inserted, namely :—

"7A. *Erection of name and number boards*—At every place where mica is extracted from a mica mine and at every place where mica is stored or prepared for sale, a board shall be erected at a conspicuous part thereof showing in bold letters and figures, at least six inches high, the name of the holder of the proprietor's certificate, the miner's license or the dealer's license, as the case may be, together with the number of such certificate or license, under which the business or operation is carried on."

8. *Repeal of sections 8 and 9 of Bihar Act X of 1948.*—Sections 8 and 9 of the said Act shall be omitted.

9. *Amendment of section 12 of Bihar Act X of 1948*—Section 12 of the said Act shall be re-numbered as sub-section (1) of section 12, and in sub-section (1) as so re-numbered, for the words "registered proprietor or digger", the words "or registered proprietor" shall be substituted, and after sub-section (1) as so re-numbered and amended, the following sub-sections shall be added, namely :—

"(2) Every licensee or registered proprietor shall appoint in writing in respect of every place, notified under sub-section (1) for storing mica or preparing the same for sale, where he cannot personally be present all the time, an agent who shall in all respects be responsible for such place and shall comply with all directions of the prescribed authority in respect of such place, as if such agent himself was the licensee or the registered proprietor.

(3) The name of every agent appointed under sub-section (2) and the place in respect of which he has been appointed such agent, together with such particulars relating to the hours of business on working days and the day or days in a week on which the place shall remain closed as may be required by the prescribed authority, may be furnished to such prescribed authority and such agent shall give to the prescribed authority at least twenty-four hours' notice if and when it is proposed to close the place at any time other than the day or days so fixed."

10. *Repeal of sections 13, 15 and 16 of Bihar Act X of 1948*—Sections 13, 15 and 16 of the said Act shall be omitted.

11. *Amendment of section 14 of Bihar Act X of 1948*—In section 14 of the said Act,—

(i) in sub-section (1)—

(a) for the words "remove mica from any mica mine, mica dump or other place in the occupation of a licensee or of a registered proprietor", the words "carry mica from one place to another" shall be substituted ;

(b) for the words "such licensee or registered proprietor", the words "a licensee or registered proprietor" shall be substituted ; and

(c) in the proviso, the words "in the occupation of a licensee or registered proprietor" shall be omitted ;

(ii) in sub-section (2), for the words "any person who removes mica from a mica mine, mica dump or other place in the occupation of a licensee or of a registered proprietor", the words "any person who carries mica from one place to another" shall be substituted ; and

(iii) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) No person other than a licensee or a registered proprietor or his duly authorised agent shall issue a pass required under sub-section(1)."

12. *Amendment of section 17 of Bihar Act X of 1948.*—In section 17 of the said Act—

(a) in sub-section (1)—

(i) in clause (a), the words "or a digger's permit" shall be omitted ;

(ii) in clause (e), for the words "registered proprietor or digger", the words "or registered proprietor" shall be substituted ;

(iii) in clause (f), the words "or a digger" shall be omitted ; and

(iv) for the words "five hundred rupees", the words "one thousand rupees" shall be substituted ;

(b) in sub-section (2)—

(i) after clause (d), the following clause shall be inserted, namely :—

"(e) allows his license or proprietor's certificate, as the case may be, to be used on behalf of any other person as authority to buy or have in his possession or sell mica extracted from a mica mine or from a mica dump."; and

(ii) for the words "five hundred rupees" the words "one thousand rupees" shall be substituted ;

(c) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) (i) Any licensee who extracts any mica from a mica mine situated in land which is not included in his license as endorsed by the Controller or has in his possession or sells any mica extracted from such mica mine, shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to one thousand rupees.

(ii) Any licensee who fails to produce his license within a reasonable time after being required by the prescribed authority shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to fifty rupees.";

(d) in sub-section (4)—

(i) for the words "registered proprietor or digger", the words "or registered proprietor" shall be substituted ; and

(ii) for the words "five hundred rupees" the words "one thousand rupees" shall be substituted ; and

(e) after sub-section (4), the following sub-section shall be added, namely :—

"(5) Any person other than a licensee or a registered proprietor or his duly authorised agent, who issues a pass required under section 14, and in case such person issues the pass in collusion with the licensee or the registered proprietor, such licensee or registered proprietor also shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to two hundred rupees."

13. *Repeal of sections 18, 20 and 21 of Bihar Act X of 1948.*—Sections 18, 20 and 21 of the said Act shall be omitted.

14. *Amendment of section 19 of Bihar Act X of 1948.*—In section 19 of the said Act, for the word "removes", the word "carries" shall be substituted.

15. *Insertion of new section 21A in Bihar Act X of 1948.*—After section 21 of the said Act as so omitted, the following section shall be inserted, namely :—

"21A. *Penalty for offences for which no specific penalty is provided.*—Any person who contravenes any provision of this Act or of any rule made thereunder shall, if no other penalty is provided for the offence, on conviction,

tion by a Magistrate of the first class, be punishable with fine which may extend to five hundred rupees."

16. *Amendment of section 22 of Bihar Act X of 1948.*—In section 22 of the said Act, for the words, figures and brackets "sub-section (1) of section 18, section 19, section 20", the words and figures "or section 19" shall be substituted.

17. *Amendment of section 24 of Bihar Act X of 1948.*—In sub-section (1) of section 24 of the said Act, the words, brackets and figures "or sub-section (1) of section 18" shall be omitted.

18. *Amendment of section 25 of Bihar Act X of 1948.*—For sub-section (1) of section 25 of the said Act, the following sub-section shall be substituted, namely :—

"(1) The State Government may cancel the license or proprietor's certificate of any licensee or registered proprietor who—

(a) allows his license or proprietor's certificate, as the case may be, to be used on behalf of any other person as authority to buy or have in his possession or sell mica extracted from a mica mine or from a mica dump, or

(b) being a person to whom a miner's license has been granted, extracts mica from a mine the particulars of which are not endorsed on his license, or

(c) is guilty of repeated failure to comply with any of the other provisions of this Act or rules made thereunder, or

(d) is convicted of an offence under Chapter XVII of the Indian Penal Code (XLV of 1860) committed in respect of mica :

Provided that a license or a proprietor's certificate shall not be cancelled solely by reason of conviction from which the licensee or the registered proprietor has no right of appeal or revision :

Provided further that a license or a proprietor's certificate shall not be cancelled unless the licensee or the proprietor has been furnished with the grounds for such cancellation and has been afforded reasonable opportunity to show cause why his license shall not be cancelled "

19. *Insertion of new section 26A in Bihar Act X of 1948.*—After section 26 of the said Act, the following section shall be inserted, namely :—

"26A. *Power of revision by the State Government.*—The State Government may of its own motion or on the application of any aggrieved person, revise any order passed under this Act by the Controller or the Commissioner of the Division :

Provided that no application shall be entertained under this section—

(i) unless the application is made within ninety days of the order complained of, and

(ii) where an appeal lies against the order of the Controller, unless an appeal has been preferred to the Commissioner of the Division and disposed of."

20. *Amendment of section 27 of Bihar Act X of 1948.*—In sub-section (2) of section 27 of the said Act—

(a) in clause (a), the words "or digger's permit" shall be omitted ;

(b) clause (b) shall be omitted ;

(c) in clause (d), for the words "registered proprietors and diggers", the words "and registered proprietors" shall be substituted ;

(d) at the end of clause (e), the word "and" shall be inserted ; and

(e) clause (f) shall be omitted.

The Bihar Bakasht Disputes Settlement (Amendment) Act, 1953.

Received the assent of the President on the 21st September, 1953, and was published in the *Bihar Gazette*, Extraordinary, dated the 7th October 1953.

Bihar Act XXIX of 1953.

An Act to amend the Bihar Bakasht Disputes Settlement Act, 1947.

WHEREAS it is expedient to amend the Bihar Bakasht Disputes Settlement Act, 1947 (Bihar Act XIII of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Bakasht Disputes Settlement (Amendment) Act, 1953.

2. *Insertion of new section 13A in Bihar Act XIII of 1947.*—After section 13 of the Bihar Bakasht Disputes Settlement Act, 1947 (Bihar Act XIII of 1947), the following section shall be inserted, namely :—

“13A. *Continuance of proceedings after vesting of estate or tenure in the State.*—If a dispute referred to a Board under section 3 is pending before it on the date on which the estate or tenure, in which the bakasht land to which the dispute relates is situated, has vested in the State under any provision of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), the proceedings under this Act shall be continued until the Board has given its decision as if such estate or tenure, as the case may be, had not vested in the State ; and the decision of the Board shall have the same effect as in section 11.

The Bihar Appropriation (No. 3) Act, 1953.

Received the assent of the Governor on the 23rd October, 1953 and was published in the *Bihar Gazette*, Part IV, No. 10, dated the 11th November 1953.

Bihar Act XXX of 1953.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty first day of March, 1954.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1954 :

It is hereby enacted as follows :—

1. *Short title* —This Act may be called the Bihar Appropriation (No. 3) Act, 1953.

2. *Issue of Rs 4,35.43,714 out of the Consolidated Fund of the State of Bihar for the year ending 31st March, 1954.*—From and out of the Consolidated Fund of the State of Bihar, there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of four crores, thirty-five lakhs, forty-three thousand and seven hundred and fourteen rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1954, in respect of the services specified in column 3 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for and in respect of the services and purposes specified in the Schedule in relation to the year ending on the thirty-first day of March, 1954.

THE SCHEDULE.

[See sections 2 and 3.]

* * * *

[For remaining portion see *Bihar Gazette*, Part IV, No. 10, dated 11th November, 1953, pages 59 to 61.]

The Bihar Appropriation (No. 4) Act, 1953.

Received the assent of the Governor on the 23rd October, 1953 and was published in the *Bihar Gazette*, Part IV, No. 10, dated the 11th November 1953.

Bihar Act XXXI of 1953

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1954.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1954 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Appropriation (No. 4) Act, 1953.

2. *Issue of Rs. 2,00,00,000 out of the Consolidated Fund of the State of Bihar for the year ending 31st March, 1954.*—From and out of the Consolidated Fund of the State of Bihar, there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of two crores of rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty first day of March, 1954, in respect of the services specified in column 3 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for and in respect of the services and purposes specified in the Schedule in relation to the year ending on the thirty-first day of March, 1954.

THE SCHEDULE.

[See sections 2 and 3.]

* * * *

[For remaining portion see *Bihar Gazette*, Part IV, No. 10, dated the 11th November 1953, pages 63 to 65.]

PART VIII

Assam Acts & Ordinances

The Assam Excise (Amendment) Act, 1952.

The following Act of the Assam Legislative Assembly received the assent of the Governor of Assam on the 8th October 1952 and was published in the *Assam Gazette*, Part IV, dated the 15th October 1952.

Assam Act XV of 1952

An Act further to amend the Eastern Bengal and Assam Excise Act, 1910.

Preamble—Whereas it is expedient further to amend the Eastern Bengal and Assam Excise Act, 1910 (Eastern Bengal and Assam Excise Act, I of 1910), hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1 *Short title, extent and commencement.*—(1) This Act may be called the Assam Excise (Amendment) Act, 1952.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint in this behalf.

(3) It shall have the like extent as the principal Act

2. *Amendment of Section 17.*—In sub section (3) of section 17 of the principal Act, between the words "local area" and "comprised therein", the words "place or class of places" shall be inserted.

3. *Amendment of section 53*—For section 53 of the principal Act the following new section shall be substituted, namely :—

"53. (1) Whoever, in contravention of this Act or of any rule, notification or order made or issued under this Act, or of any license, permit or pass granted under this Act,—

(a) imports, exports, transports, manufactures, possesses or sells any intoxicant other than tari and pachwai ; or

(b) cultivates, collects, or sells the hemp plant (*Cannabis Sativa*) or

(c) constructs or works any distillery or brewery ; or

(d) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any intoxicant other than tari and pachwai ; or

(e) bottles any liquor other than tari and pachwai for purposes of sale,

shall be punished with imprisonment which may extend to two years and with fine and the convicting magistrate shall direct the offender to be imprisoned in default of payment of fine for a term which may extend to one year, and such imprisonment shall be in addition to any other imprisonment to which he may have been sentenced.

(2) Whoever as aforesaid—

(a) taps or draws tari from any tari producing tree ; or

(b) bottles any tari or pachwai for purposes of sale ; or

(c) imports, exports, transports, manufactures, possesses or sells any tari or pachwai ;

shall be punished with imprisonment which may extend to six months or with fine or with both."

**The Assam Professions, Trades, Callings and Employments Taxation
(Amendment) Act, 1952.**

The following Act of the Assam Legislative Assembly received the assent of the Governor of Assam on the 8th October 1952, was published in the *Assam Gazette*, Part IV, dated the 15th October 1952.

Assam Act XIII of 1952

An Act further to amend the Assam Professions, Trades, Callings and Employments Taxation Act, 1947.

Preamble.—Whereas it is expedient further to amend the Assam Professions, Trades, Callings and Employments Taxation Act, 1947 (Assam Act VI of 1947), hereinafter referred to as the “principal Act”, in the manner hereinafter appearing :—

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Professions, Trades, Callings and Employments Taxation (Amendment) Act, 1952.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

2. *Insertion of new clause to section 2 of Assam Act VI of 1947.*—(1) In section 2 of the principal Act, the following shall be inserted as clause (a) and the existing clause (a) shall be renumbered as clause (aa) :—

“(a) ‘assessing authority’ in a particular area means the Superintendent referred to in section 6 exercising jurisdiction in that area,” ;

(2) *Amendment of clause (d) (i) of section 2 of Assam Act VI of 1947*—for item (i) of clause (d) the following shall be substituted, namely :—

“(i) A Government, the head of an office or the disbursing officer.”

3. *Amendment of section 6 of Assam Act VI of 1947.*—For section 6 of the principal Act, the following shall be substituted, namely :—

“6. *Taxing authorities*—The Commissioner, Assistant Commissioner, Superintendents, Inspectors and Sub-Inspectors or any other officer appointed under the Assam Sales Tax Act, 1947 (Assam Act XVII of 1947), shall be the Commissioner, Assistant Commissioner, Superintendents, Inspectors and Sub-Inspectors or such other officer respectively for carrying out the purposes of this Act, and their powers and duties and relation with one another shall be such as may be prescribed”.

4. *Insertion of new proviso to section 8(4) of Assam Act VI of 1947.*—To sub-section (4) of section 8 of the principal Act, the following proviso shall be added, namely :—

“Provided that before making assessments, the assessing authority may allow the person such further time as he thinks fit to make the return or to comply with the terms of the notice issued under sub section (2)”.

5. *Insertion of new sections after section 8 of Assam Act VI of 1947.*—After section 8 of the principal Act, the following new sections shall be inserted, namely :—

“8A. *Assessment of Escaped Tax.*—If for any reason any person has not been assessed or has been under-assessed for any financial year the assessing authority may, notwithstanding anything contained in sub-

(2) of section 7, at any time within three years of the end of that year, serve on the person liable to pay the tax, a notice containing all or any of the requirements which may be included in a notice under sub-section (2) of section 7 and may proceed to assess or reassess him and the

provisions of this Act shall, so far as may be, apply accordingly as if the notice were a notice issued under that sub-section :

Provided that the tax shall be charged at the rate at which he would have been charged if the person would not have escaped assessment or full assessment, as the case may be

8B. Rectification of mistakes.—(1) The authority which made an assessment or passed an order on appeal or revision in respect thereof, may, of his own motion, and shall if an application is filed in this behalf, within three years from the date of such assessment or order rectify any mistake apparent from the record of the case :

Provided that no such rectification having adverse effect upon an assessee shall be made unless the assessee has been given a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing the assessment, the assessing authority shall order any refund which may be due to such person.

(3) Where any such rectification has the effect of enhancing the assessment or reducing the refund, the assessing authority shall serve on the person a notice of demand in the prescribed form specifying the sum payable, and such notice of demand shall be deemed to be issued under section 11 and the provisions of this Act shall apply accordingly."

6. Amendment of section 9 of Assam Act VI of 1947.—In section 9 of the principal Act—(1) in sub-section (3) for the words "a return furnished under sub-section (2)", the words "no return under sub-section (2) has been furnished or a return furnished under that sub-section" shall be substituted,

(2) After sub-section (3) of section 9 of the principal Act, the following new sub-section shall be inserted, namely :—

"(4) Where any Principal Officer fails to deduct any tax or after deducting fails to pay it as required by or under this Act, he shall, without prejudice to any other consequences he may incur under this Act, be deemed to be a person in default in respect of the tax not deducted or paid and all the provisions of section 13 shall apply to him :

Provided that the assessing authority shall not make a direction under sub-section (2) of section 13 for the recovery of any penalty from such person unless it is satisfied that such person has wilfully failed to deduct and pay the tax."

7. Insertion of new sections after section 9 of Assam Act VI of 1947.—After section 9 of the principal Act, the following new sections shall be inserted, namely :—

"**9A. Requisition for deduction of tax.**—The assessing authority may require a principal officer to deduct, from any payment to a person, any tax or penalty due from him and the principal officer shall comply with such requisition.

9B. Indemnity.—The principal officer deducting or paying any tax under the provisions of this Act is hereby indemnified for such deduction or payment thereof"

8. Amendment of section 10 of Assam Act VI of 1947.—For section 10 of the principal Act, the following shall be substituted, namely :—

"**10. Appeal.**—Any person aggrieved by an order passed by an assessing authority under this Act may in the prescribed manner appeal, within thirty days of receipt of such order, to the Assistant Commissioner:

Provided that the Assistant Commissioner may admit it after the expiration of thirty days, if he is satisfied that for reasons beyond the

control of the appellant or for any other sufficient cause it could not be filed within time :

Provided further that no appeal shall lie against an order of assessment under sub-section (4) of section 8”.

9. *Insertion of new section after section 10 of Assam Act VI of 1947.*—The following new section shall be inserted after section 10 of the principal Act, namely :—

“10A. *Power of revision.*—Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Commissioner may, on an application by a person aggrieved by any order, filed within ninety days of that order, or of his own motion, revise any order passed under this Act by any officer subordinate to him :

Provided that no order prejudicial to a person shall be passed without giving him a reasonable opportunity of being heard”.

10. *Amendment of section 13 of Assam Act VI of 1947.*—For section 13 of the principal Act, the following shall be substituted, namely :—

“13. *Mode of recovery*—(1) Where any tax or other dues payable under this Act is not paid on or before the due date the person shall be deemed to be in default :

Provided that where a person has presented an appeal or petition for revision and such appeal or petition for revision has been admitted, he shall not be deemed, for so long as the appeal or petition for revision remains pending, to be in default in respect of the portion of the dues in dispute.

(2) Where a person is in default, the assessing authority may, in his discretion direct that, in addition to the amount due a sum not exceeding that amount shall be recovered from the defaulter by way of penalty.

(3) Where a person is in default, the assessing authority shall, unless action has been taken under section 9A order that the amount due shall be recoverable as an arrear of land revenue and shall proceed to realise the amount due as such”.

11. *Amendment of section 14 of Assam Act VI of 1947.*—For section 14 of the principal Act, the following shall be substituted, namely :—

“14. *Refunds.*—Any person who has paid any tax or penalty in excess of the amount due under this Act may, within ninety days of the service of the order of assessment or that passed on appeal or revision as the case may be, apply for a refund and the amount paid in excess shall be refunded accordingly.”

12. *Insertion of new sections after section 17 of Assam Act VI of 1947.*—After section 17 of the principal Act, the following new sections shall be inserted, namely :—

“17A. *Prosecution, suits or other proceedings.*—No suit shall be brought in any civil court to set aside or modify any assessment made or order passed under the provisions of this Act, and no prosecution, suit or other proceedings shall lie against any officer of the Government for anything in good faith done or intended to be done under this Act or the rules made thereunder.

17B. In computing the period of limitation prescribed for an appeal or a revision, the day on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded.”

The Assam Appropriation (No III) Act, 1952.

The following Act of the Assam Legislative Assembly received the assent of the Governor of Assam on the 8th October 1952 and was published in the *Assam Gazette*, Part IV, dated the 15th October 1952.

Assam Act XIV of 1952.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Assam to the service of the year ending on the thirty-first day of March, 1953.

Be it enacted by the Assam Legislative Assembly as follows :—

1. *Short title.*—This Act may be called the Assam Appropriation (No. III) Act, 1952.

2. *Issue of Rs. 86,53,856 out of the Consolidated Fund of the State of Assam for the year 1952-53.*—From and out of the Consolidated Fund of the State of Assam there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of eighty-six lakhs fifty-three thousand eight hundred and fifty-six rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1953, in respect of the services specified in column (2) of the Schedule.

3. *Appropriation*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Assam by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1953.

* * * *

[For the Schedule, see *Assam Gazette*, Part IV, 1952, page 19. *Editor.*]

The Garo Hills (Abolition of the Garo Hills District Fund Committee) Act, 1952.

The following Act of the Garo Hills District Council, received the assent of the Governor of Assam, on the 26th November 1952, and was published in the *Assam Gazette*, Part IV, dated the 10th December 1952.

Garo Hills Act No. 1 of 1952.

An Act to provide for the abolition of the Garo Hills District Fund Committee.

Preamble.—WHEREAS it is expedient to provide for the abolition of the Garo Hills District Fund Committee :

And whereas by clause (e) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India (hereafter referred to in this Act as "the Constitution") the District Council for an Autonomous District is empowered to make law with respect to the establishment of Town Committees within the District :

Now, therefore, the District Council of the Garo Hills District (hereafter referred to as "the District Council") in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf, is pleased to enact and it is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Garo Hills (Abolition of the Garo Hills District Fund Committee) Act, 1952.

(2) It shall come into force on such date as the District Council may, by notification in the *Assam Gazette*, appoint in this behalf.

2. *Definition.*—(1) In this Act, unless there is anything repugnant in the subject or context—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 ;

(b) "Chief Executive Member" means the Chief Executive Member of the Executive Committee of the District Council of the Garo Hills District.

(c) "District Fund Committee" means the Garo Hills District Fund Committee established by the Government of Assam under the provisions of the Assam Local Rates Regulation, 1879 (Regulation No. 3 of 1879) by Notification No. 4600-M., dated the 2nd October, 1915.

3. *District Fund Committee to cease to have effect.*—The District Fund Committee shall, as from the appointed day, cease to have effect.

4. *District Council to take over assets and liabilities of the District Fund Committee.*—With effect from the appointed day the District Council shall take over the assets and liabilities of the District Fund Committee and shall carry on the functions allotted to the District Fund Committee.

The Assam Adhiars Protection and Regulation (Amendment) Act, 1952.

The following Act of the Assam Legislative Assembly received the assent of the Governor of Assam on the 17th October 1952 and was published in the *Assam Gazette*, Part IV, dated the 29th October 1952.

Assam Act XVI of 1952.

An Act to amend the Assam Adhiars Protection and Regulation Act, 1948.

Preamble.—WHEREAS it is expedient to amend the Assam Adhiars Protection and Regulation Act, 1948 (Assam Act XII of 1948), hereinafter called the Principal Act, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Adhiars Protection and Regulation (Amendment) Act, 1952.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

2. *Substitution of sub-section (1) of section 3 of Assam Act XII of 1948.*—In section 3 of the principal Act—

(a) for sub-section (1) the following sub-section shall be substituted, namely :—

"(1) Notwithstanding anything to the contrary contained in any law for the time being in force or any contract or agreement, express or implied, any person who during the preceding agricultural year cultivates any land as *adhiar* shall have a right to remain in occupation and cultivate the land for subsequent years until he either voluntarily relinquishes the land or is ordered by a Revenue Officer under section 5 to cease to cultivate and vacate the land or is evicted therefrom in execution of a valid order of the Revenue Officer."

(b) *Amendment of sub-section (2) of section 3 of Assam XII of 1948.*—in sub-section (2), the words "or to let it out for cultivation to some other person" shall be deleted.

3. *Substitution of section 4 of Assam Act XII of 1948*—For section 4 of the principal Act, the following shall be substituted, namely :—

"4. *Power to put adhiar in possession of the land if illegally ousted and to award compensation.*—If any person cultivating any land as an *adhiar* during the preceding agricultural year is prevented by a landlord or any person claiming superior interest from cultivating such land in the subsequent year, the Revenue Officer may put such person in possession of the land and may also award compensation realisable from the landlord or the person claiming superior interest, as the case may be, not exceeding Rs. 200 in any individual case in the manner prescribed."

4. *Insertion of new sections to Assam Act XII of 1948.*—(1) After section 6 of the principal Act, the following shall be inserted as sections 7 and 8, namely :—

"7. *Receipt for the crop* —(i) Every *adhiar*, on delivery to the landlord, the latter's share of the crop shall be entitled to obtain forthwith from the landlord a written receipt for the quantity of the crop delivered by him, signed by the landlord or his duly authorised agent.

(ii) The landlord should prepare and retain a counterfoil of the receipt signed by the *adhiar* or his duly authorised agent.

(iii) The receipt and the counterfoil shall contain a description of the land for which crop is delivered, the total quantity of the crop due from the *adhiar*, the quantity delivered and the year for which the crop is delivered.

(iv) If a receipt does not contain substantially the above particulars, it shall be presumed, until the contrary is shown to be an acquittance in full of the landlord's share of the crop due from the *adhiar* up to the date on which the receipt is given.

8. *Penalty for omission to deliver receipt.*—When a landlord or his agent, without reasonable cause, fails to deliver to the *adhiar* a receipt as required by section 7, a Revenue Officer, on proceedings under this section, after making such enquiry as he may deem necessary, order the landlord to pay as penalty a sum not exceeding fifty rupees for each default, and may, in his discretion award to the *adhiar* as compensation such portion of the penalty as he thinks fit."

(2) The existing sections 7, 8, 9, 10, 11 and 12 shall be renumbered as sections 9, 10, 11, 12, 13 and 14 respectively.

The Assam Rural Panchayat (Amendment) Act, 1952.

The following Act of the Assam Legislative Assembly received the assent of the Governor of Assam on the 28th October, 1952, and was published in the *Assam Gazette*, Part IV, dated the 5th November 1952.

Assam Act XVII of 1952.

An Act further to amend the Assam Rural Panchayat Act, 1948.

Preamble.—WHEREAS it is expedient further to amend the Assam Rural Panchayat Act, 1948 (Assam Act XXVII of 1948), hereinafter referred to as the "Principal Act" in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Rural Panchayat (Amendment) Act, 1952.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

2. *Amendment of Section 2 of Assam Act XXVII of 1948*—In section 2 of the principal Act, after clauses (a) and (m) the following clauses (aa) and (mm) shall be inserted respectively, namely :—

"(aa) 'bazar' means any place where persons assemble daily for the sale of articles intended for food and drink or of livestock or other merchandise ;

(mm) 'public property' means any property belonging to Government but not vesting in any local authority".

3. *Amendment of Section 4 of Assam Act XXVII of 1948*—In sub-section (1) of Section 4 of the principal Act, after the words "Primary Panchayats" the words "not exceeding five" shall be inserted.

4. *Amendment of sub-section (1) of Section 16 of Assam Act XXVII of 1948.*—In sub-section (1) of Section 16 of the principal Act, for the words beginning with "Each Primary Panchayat" and ending with "to the Rural Panchayat" the following shall be substituted, namely :—

"Each Primary Panchayat shall elect one representative for every five hundred of its members and an additional one if the fraction thereof

is a figure between two hundred and fifty and four hundred ninety-nine to the Rural Panchayat provided that the total number of members shall not exceed twenty-five”.

5. *Amendment of Section 19 of Assam Act XXVII of 1948.*—In Section 19 of the principal Act,—

(1) in sub-section (1) for the words “a Panchayat Cabinet of Minister” “(*Mantrisabha*)” the words “a Panchayat Executive Council” shall be substituted ;

(2) in sub-sections (2) and (3) for the word “cabinet” the words “Executive Council” shall be substituted ;

(3) in sub-section (4) for the words “Panchayat Ministers” the words “Panchayat Executive Council Members” shall be substituted.

6. *Amendment of Section 21 of Assam Act XXVII of 1948.*—In sub-section (2) of Section 21 of the principal Act, for the words “Cabinet” the words “Panchayat Executive Council” shall be substituted.

7. *Amendment of sub-sections (2) and (3) of Section 22 of Assam Act XXVII of 1948.*—In sub-sections (2) and (3) of Section 22 of the principal Act, for the words “Cabinet” the words “Panchayat Executive Council” shall be substituted.

8. *Amendment of Section 31 of Assam Act XXVII of 1948.*—(1) Sub-sections (4), (15), (17), (18), (19) and (23) of Section 31 of the principal Act shall be deleted and the existing sub-sections (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (16), (20), (21), (22), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), and (38), shall be renumbered as sub-sections 4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31) and (32) respectively.

(2) In sub-section (7) so renumbered after the word “waterways” the words “not being private property and not being under the control of the State or Central Government or any local Authority” shall be added.

(3) For sub-section (16) so renumbered the following shall be substituted, namely :—

“(16) Improvement of Cattle breeding”.

(4) *Insertion of Explanation to sub-section (24) of section 31 of Assam Act XXVII of 1948.*—In sub-section (24) so renumbered before the word “Hats” the word “Minor” shall be inserted and the following explanation shall be added to the sub-section, namely :—

Explanation.—Unless the State Government in individual cases decides otherwise by a notification in the official Gazette, a minor Hat shall mean a Hat which has never during the three years preceding 1st April 1952 fetched more than Rs. 3,000 as annual revenue either on auction or on settlement otherwise.”

9. *Insertion of a new sub-section (2) in Section 34 of Assam Act XXVII of 1948.*—Section 34 of the principal Act shall be re-numbered as sub-section (1) of that section and the following shall be inserted as sub-section (2), namely :—

“(2) *Transfer of certain duties of Panchayat to Local Authority or persons.*—Subject to such rules as may be prescribed and to such conditions as may be agreed upon, a Panchayat may, with the consent of a Local Authority or any person make over to it management of any institution or the execution or maintenance of any work or the performance of any duty within its jurisdiction”.

10. *Amendment of Section 39 of Assam Act XXVII of 1948.*—In Section 39 of the principal Act, the full stop at the end shall be deleted and

the words "and may incur such expenditure and realise such fees as may be prescribed" shall be added.

11. *Deletion of Section 48 of Assam Act XXVII of 1948.*—Section 48 including the explanation of the principal Act shall be deleted.

12. *Amendment of sub-section (2) (i) of Section 59 of Assam Act XXVII of 1948.*—(1) In sub-section (2)(i) of Section 59 of the principal Act, for the words "public ferries, schools, hospitals, Hats, bazars, pounds, tolls of bridges" the words "Minor Hats and pounds" shall be substituted.

(2) *Substitution of sub-section (2) (iv) of Section 59 of Assam Act XXVII of 1948 and amendment of sub-section (2) (v) of Section 59 of Assam Act XXVII of 1948*—For sub-section (2)(iv) the following shall be substituted, namely:—

"(iv) a share as may be prescribed, of all sums collected by the Local Board under sub-section (1) of section 133 with respect to such receipts from public ferries, schools, hospitals, Major Hats, the bazars, tolls of bridges and cart-taxes within the Panchayat area".

(3) *Add the words "by the Union or State Governments"* after the word "it" in sub-section (2)(v) of Section 59 of the principal Act and put the "full stop" after the word "Governments".

13. *Insertion of new sub-section (2) to section 60 of Assam Act XXVII of 1948.*—(1) In Section 60 of the principal Act, the following shall be inserted as sub-section (2), namely:—

"(2) *Diversion of Panchayat funds in some cases.*—(2) Notwithstanding anything contained in this Act the State Government may by order divert funds of the Rural and Union Panchayats for carrying out the purposes of this Act to any other body, associations, or individuals and may prescribe the mode of collection, allocation and disbursement of the said funds by such body, associations or individuals as the case may be."

(2) The existing sub-section (2) shall be re-numbered as sub-section (3).

(3) The existing sub-section (3) shall be re-numbered as sub-section (4).

14. *Amendment of Section 65 of Assam Act XXVII of 1948.*—In sub-section (2) of Section 65 of the principal Act, after the words "any" appearing for the second time and "license" the words "fee for" and "for starting tea stalls and restaurants and collecting of hides and bones" respectively shall be added.

15. *Substitution of sub-section (1) of section 122 of Assam Act XXVII of 1948.*—For sub-section (1) of Section 122 of the principal Act, the following shall be substituted, namely:—

"(1) (i) For the purpose of rural development through Co-ordination of the activities of the different departments of the Government and to secure public association and co-operation in all rural development works, the State Government may cause to be framed for each subdivision including a Sadar subdivision and for each district without any subdivision a Rural Development Board

(ii) The Deputy Commissioner shall be the *Ex-Officio* President of the Board in a Sadar Subdivision and in a district without any Subdivision; the Subdivisional Officer shall be the *Ex-officio* President of the Board in the other subdivisions.

(iii) The Development Officer, and in case where there is more than one such Officer the Senior-most of such officers in a subdivision or a district without any subdivision as the case may be, shall be the *ex-officio* Secretary of the Board.

(iv) The Officers of the various departments of the State Government as may be prescribed shall be members of the Rural Development Board. The State Government may also nominate non-officials to be members of such Board on its own motion or on the recommendation of the President of a Rural Development Board.

(v) Meetings of the Rural Development Boards shall be held at least once in every three months.

(vi) The State Government may make rules for the conduct of the business of the Rural Development Boards."

16. *Substitution of sub-section (2) (ii) of Section 125 of Assam Act XXVII of 1948.*—For sub-section (2) (ii) of Section 125 of the principal Act, the following shall be substituted, namely :—

"(ii) all properties vested in the Panchayat or any balance of the Panchayat fund shall be vested in, and such of its liabilities as may have been incurred in discharge of legitimate functions of the Panchayat or which may have been incurred in course of duties performed for the genuine interest of the Panchayat, be transferred to the Deputy Commissioner or the Subdivisional Officer as the case may be who shall make such arrangement as may be deemed necessary until it is reconstituted ;"

17. *Insertion of new Section 132A to Assam Act XXVII of 1948.*—After Section 132 of the Principal Act, the following new section shall be inserted, namely :—

"132A. The members of the Executive Committee of the Primary and of the Executive Council of the Rural and Union Panchayat shall be jointly and severally liable for misuse of the fund, and properties of the Panchayat or for any un-authorised diversion of the same for purposes other than those authorised under the Act or Rules framed thereunder or laid down by the State Government or other Local authorities in accordance with the provisions of the Act or Rules framed thereunder and value of such properties and funds misused or diverted as aforesaid shall be recoverable under the orders of the State Government as an arrear of land revenue"

18. *Amendment of Section 133(1) of Assam Act XXVII 1948.*—In sub-section (1) of section 133 of the Principal Act, between the words "rate or tax" and "which is" the words "other than receipts from public ferries, schools hospitals, major hats, bazars, tolls of bridges and cart taxes" shall be inserted.

19. *Amendment of Section 142 (1) of Assam Act XXVII of 1948.*—In sub-section (1) of Section 142 of the principal Act, between the words "shall" and "cease" the words "to the extent it is repugnant to the provisions of this Act" shall be inserted and after the words "date" in the last line the words "in respect of the area or areas" shall be inserted.

20. *Amendment of Section 143 of Assam Act XXVII of 1948.*—In Section 143 of the principal Act, for the words "Rural" the word "Union" shall be substituted.

The Assam Liquor Prohibition Act, 1952.

The following Act of the Assam Legislative Assembly received the assent of the President on the 15th January 1953 and was published in the *Assam Gazette*, Part IV, dated the 28th January 1953.

Assam I of 1953.

An Act to prohibit possession, consumption and manufacture of liquor in and of smuggling thereof into the Barpeta Subdivision and other areas of the State.

Preamble.—WHEREAS it is expedient to prohibit the possession, con-

sumption and manufacture of liquor in and of smuggling thereof into the Subdivision of Barpeta ; and in other areas of the State as may be necessary from time to time.

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Liquor Prohibition Act, 1952—

(2) It extends to the Subdivision of Barpeta.

(3) The State Government may, by notification in the Official Gazette, extend it to any other areas of the State.

(4) It shall come into force, in the Subdivision of Barpeta and other areas, on such date as the State Government may, by notification in the Official Gazette, appoint :

Provided that the State Government may by notification in the official Gazette modify or restrict the operation of this Act or of any provision of this Act.

2. *Definitions.*— In this Act, unless there is anything repugnant in the subject or context.

(1) “buy”, with all its grammatical variations, means any receipt for price paid in cash or kind, and includes any receipt by gift, loan or otherwise.

(2) “Commissioner” means the Excise Commissioner or any other person duly empowered by the State Government to exercise some or all of the powers of the Excise Commissioner.

(3) “Liquor” means any intoxicating liquor and includes all liquid consisting of or containing alcohol, also tari and pachwai in any form and any substance which the State Government may, by notification, declare to be liquor for the purposes of this Act.

Explanation.—This definition shall not apply to any toilet preparation or medicine containing alcohol.

(4) “Manufacture” includes every process, whether natural or artificial, by which any intoxicant is produced or prepared, also redistillation and every process for the rectification, flavouring, blending, or colouring of liquor.

(5) “Prescribed” means prescribed by rules under this Act.

(6) “Prohibited area” means the area where the Act is enforced.

(7) “Prohibition officer” means a person appointed under section 18 ;

(3) “Sell”, with all its grammatical variations, means any transfer including transfers by a gift or a loan or otherwise.

3. *Prohibition.*—No person shall—

(1) import, transport, or possess liquor ;

(2) sell or buy liquor ;

(3) consume liquor except on a prescription from a registered medical practitioner ;

(4) manufacture liquor ; and

(5) use or keep any material, utensil, implement or apparatus whatsoever for manufacture of liquor.

4. *Punishment for contravention.*—Whoever contravenes the provisions of section 3 shall be punished with imprisonment of either description for a term which may extend to two years and also with fine which may extend to one thousand rupees.

5. *Punishment for allowing premises to be used for the commission of an offence.*—Whoever, being the owner or occupier or having the use of any house, room, enclosure, space, vessel, vehicles or place, knowingly permits it to be used for the commission, by any other person, of an offence

punishable under this Act or the rules made thereunder, shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

6. *Enhanced punishment.*—Whenever any person, having been convicted of an offence under sub-section (1) or sub-section (2) of section 3, is again convicted of an offence under either of the aforesaid sub-section, the imprisonment with which he shall be punished shall be rigorous imprisonment for a term which may extend to four years.

7. *Attempts.*—Whoever attempts to commit an offence punishable under section 4, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence or towards the causing of its commission, shall be punished with the punishment provided for the offence.

8. *Abetments.*—Whoever abets an offence punishable under section 4, or section 5 shall, whether such offence be or be not committed in consequence of such abetment, be punished with the punishment provided for the offence.

9. *Power to issue warrants.*—(1) A District Magistrate or a Subdivisional Magistrate or a Magistrate of the first class, or an officer of the Excise Department not below the rank of a Superintendent specially empowered by the State Government on this behalf, may issue a warrant for the arrest of any person whom he has reason to believe to have committed an offence punishable under this Act or the rules thereunder, or for the search, whether by day or by night, of any building, vessels or place in which he has reason to believe any liquor, material, utensil, implement or apparatus, in respect of which an offence punishable under this Act has been committed, is kept or concealed.

(2) The officer to whom a search warrant under sub-section (1) is addressed shall have all the powers of an officer under section 10.

10. *Powers of entry, search and seizures, etc.*—(1) Any officer of the Departments of Excise and Police not below the rank of Inspector, any officer of the Department of Revenue not below the rank of the Sub-Deputy Collector, and any person authorised in this behalf by the State Government who has reason to believe, from personal knowledge or from information received from any person and taken down in writing and attested by the informant, that any liquor, material, utensil, implement or apparatus in respect of which an offence punishable under this Act or the rules made thereunder has been committed is kept or concealed in any building, vessel, or enclosed place, may, between sunrise and sunset,—

(a) enter into any such building, vessel or place ;

(b) in case of resistance, break open any door and remove any other obstacle to such entry ;

(c) seize such liquor, material, utensil, implement or apparatus, and any document or other article which may furnish evidence of the commission of the offence ;

(d) detain, search and arrest any person whom he has reason to believe to have committed an offence against this Act relating to such liquor, material, utensil, implement or apparatus ;

Provided that if such officer has reason to believe that a search warrant cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may, after recording the ground of his belief, enter and search such building, vessel or enclosed place at any time between sunset and sunrise.

(2) Where an officer takes down any information in writing under sub-section (1), or records grounds for his belief under the proviso thereto, he shall forthwith send a copy thereof to his immediate official superior.

11. Power of seizure and arrest public places—Any officer of any of the Department referred to in section 10 may within the prohibited area notified under this Act—

(a) seize, in any public place or in transit, any liquor, material, utensil, implement or apparatus in respect of which he has reason to believe an offence punishable under this Act or the rules made thereunder has been committed, and, along with it, any document or other article which may furnish evidence of the commission of the offence, and

(b) detain, search and arrest any person whom he has reason to believe to have committed an offence against this Act relating to such liquor, material, utensil, implement or apparatus.

12. Mode of executing warrants, etc.—The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall, in so far as they are applicable, apply to the execution of warrants and making of searches, arrests, and seizure under this Act.

13. Report of arrest and seizure—Any officer making an arrest or seizure under this Act shall, within twenty-four hours of such seizure and arrest, make a full report of all the particulars of such arrest or seizure to his immediate official superior.

14. Production of persons arrested.—Every person arrested under any of the provisions of this Act shall be produced before the nearest magistrate, within twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the magistrate.

15. Power to invest Excise officers.—The State Government may invest any officer of the Excise Department, not below the rank of Inspector, with the powers of an officer-in-charge of a Police Station for the investigation of offences under this Act.

16. Jurisdiction to try offences.—The provision of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply to the trial of offences against this Act or the rules made thereunder.

17. Prohibition Committees.—(1) The Commissioner, may, by notification in the Official Gazette, constitute for any area or any part thereof a "Prohibition Committee" consisting of two or more non-official residents of such area or part thereof. He may also, by like notification dissolve or reconstitute any such committee.

(2) The duties to be performed by a Prohibition Committee and its relation to other such Committees and to the Commissioner shall be such as may be prescribed.

18. Punishment for vexatious entry, etc—Any person acting under the powers given by section 10 or section 11 who—

(a) without reasonable grounds of suspicion, enters or searches, or causes to be entered or searched, any building, vessels or place; or

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any liquor or seizing any document or other article liable to seizure under section 10 or 11; or

(c) vexatiously and unnecessarily detains, searches or arrests any person or fails to produce, within the time specified in section 14, the person arrested or the article seized before the proper authority, shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

19. *Indemnity*.—No action shall lie against any officer for damages in any Civil Court for any act done *bona fide* or ordered to be done in pursuance of this Act or the rules thereunder.

20. *Permits*.—Notwithstanding anything hereinbefore contained, the State Government may prescribe the conditions under which permits may be issued for the use or consumption of foreign liquor to persons on the following amongst other conditions :—

- (a) that such person is not a minor ;
- (b) that the health of such person shall be seriously and permanently affected if such person is not permitted to use or consume such liquor ; or
- (c) that such person was either born and brought up or domiciled in any country outside India where such liquor is being generally used or consumed ; or
- (d) that such person belongs to any of the armed forces of India.

21. *Conditions for the issue of licenses*.—The State Government may prescribe the conditions under which licenses may be issued for the manufacture, import, transport, sale or possession of liquor on the ground that such liquor is required by such person for a *bona fide* medicinal, scientific, industrial or such like purpose.

22. *Repeal*.—The provisions relating to liquor in the Eastern Bengal and Assam Excise Act, 1910 (Act I of 1910), shall stand repealed in respect of the area or areas in which this Act may be enforced.

23. *Power to make rules*.—(1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe—

- (a) the duties to be performed by a Prohibition Committee and its relation to the Commissioner and other Committees ;
 - (b) any other matter as may, or requires to be prescribed.
- (3) In making rules under this section, the State Government may attach a penalty for the breach of any particular rule.

The Assam Maintenance of Public Order (Amendment) Act, 1953.

Received the assent of the Governor of Assam on the 21st April 1953 and was published in the *Assam Gazette*, Part IV, No. 2, dated the 29th April 1953.

Assam Act IX of 1953.

An Act further to amend the Assam Maintenance of Public Order Act, 1947.

Preamble.—Whereas it is expedient further to amend the Assam Maintenance of Public Order Act, 1947 (Assam Act V of 1947), hereinafter called the Principal Act, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement*—(1) This Act may be called the Assam Maintenance of Public Order (Amendment) Act, 1953.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

2. *Insertion of new sub-section (8) in section 2*.—After sub-section (7) of section 2 of the principal Act, the following new sub-section shall be inserted, namely :—

“(8) If any person required to enter upon a bond under sub-section (4) refuses or fails to do so within the time specified in the order, he shall

be punishable with imprisonment for a term which may extend to one year :

Provided that if during the course of trial or during the period the person is in imprisonment the bond is duly entered upon by him, the trial or the imprisonment, as the case may be, shall abate with effect from the date the bond is entered into."

The Assam Repealing and Amending Act, 1953.

Received the assent of the Governor on the 20th May 1953 and was published in the *Assam Gazette*, Part IV, No. 3, dated the 27th May 1953.

Assam Act X of 1953

An Act to repeal certain enactments and to amend certain other enactments.

Preamble.—Whereas it is expedient to repeal certain enactments and to amend certain other enactments.

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Repealing and Amending Act, 1953.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

2. *Repeal of certain enactments.*—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. *Amendment of certain enactments.*—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. *Savings.*—The repeal by this Act of any enactment shall not affect other enactment in which the repealed enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

Repeals

(See section 2)

Year	No.	Short title	Extent of repeal
1937	V	The Assam President's Salary Act, 1937 ...	The whole.
1937	VI	The Assam Deputy President's Salary Act, 1937 ...	„
• 1940	VI	The Assam Local Board Elections (Emergency Provisions) Act, 1940.	The whole.

Year	No.	Short title	Extent of repeal
1941	VI	The Assam President's Salary (Amendment) Act, 1941.	The whole
1941	V	The Assam Deputy President's Salary (Amendment) Act, 1941.	„
1941	I	The Temporary Postponement of Execution of Decrees Act, 1941.	„
1942	II	The Assam Local Board Elections (Emergency Provisions) Act, 1942	„
1944	IV	The Assam Local Board Elections (Emergency Provisions) Act, 1944.	„
1945	II	The Assam Local Board Elections (Emergency Provisions) Act, 1945.	„
1946	III	The Assam Urban Areas Rent Control Act, 1946	„
1947	VII	The Assam Committee of Enquiry (Appointment and Evidence) Act, 1947.	„
1948	II	The Assam Local Board Elections (Emergency Provisions) Act, 1948.	„
1948	III	The Assam New Motor Cars (Control of Commercial Sales) Act, 1948.	„
1949	III	The Assam Local Board Elections (Emergency Provisions) Act, 1949.	„
1950	XXX	The Assam Disturbances (Commission of Enquiry) Act, 1950.	„

THE SECOND SCHEDULE

Amendments

(See section 3)

Year	No.	Short title	Amendments
1910	I	Eastern Bengal and Assam Excise Act, 1910.	In sub-section (1) of section 1 for the words "The Eastern Bengal and Assam Excise Act", the words "Assam Excise Act" shall be substituted.
1947	XIII	The Assam Primary Education Act, 1947.	In sub-section (1) of section 17, the existing clauses (dd) and (f) shall be renumbered as clauses (f) and (g) respectively.
1953	I	The Assam Liquor Prohibition Act, 1952 (Assam Act I of 1953).	In section 2—(1) in the 'Explanation' under item (3) the fullstop at the end shall be deleted and following shall be added, namely :— "and to rectified and denatured spirit". (2) item (7) shall be deleted and item (8) shall be renumbered as item (7).

PART IX

West Bengal Acts & Ordinances

Published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated 13th December 1952.

The Indian Red Cross Society (Bengal Branch) (Validation of Meetings and Elections) Ordinance, 1952.

West Bengal Ordinance No. XVI of 1952.

WHEREAS it is expedient to validate certain meetings of the Society known as the Bengal Provincial Branch of the Indian Red Cross Society and certain elections to the Managing Body thereof;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Indian Red Cross Society (Bengal Branch) (Validation of Meetings and Elections) Ordinance, 1952.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Definition.*—Expressions used in this Ordinance have the same meaning as in the Indian Red Cross Society (Bengal Branch) Act, 1920 (Ben. Act VIII of 1920).

3. *Validation.*—(1) Every meeting of the Society, being or purporting to be an annual general meeting or an extraordinary general meeting, convened and held at any time between the commencement of the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950 (West Ben. Ord. VIII of 1950), and this Ordinance, shall, notwithstanding any defect or irregularity in convening or holding such meeting and notwithstanding any other defect whatsoever, be deemed to have been validly convened and held and all proceedings and everything done at such meeting shall be deemed to have been validly transacted or done.

(2) Every person declared by the President of the Society to have been elected to the Managing Body at any such meeting as aforesaid shall be deemed to have been validly elected under clause (i) of section 6B of the Indian Red Cross Society (Bengal Branch) Act, 1920 (Ben. Act VIII of 1920).

H. C. MOOKERJEE,
Governor of West Bengal.

CALCUTTA,
The 12th December 1952.

Published in the *Calcutta Gazette* Extraordinary, Part III-A, dated 23rd December 1952.

The West Bengal Jute Goods (Amendment) Ordinance, 1952.

West Bengal Ordinance No. XVII of 1952.

WHEREAS it is expedient to amend the West Bengal Jute Goods Act, 1950 (West Bengal Act V of 1950) for the purpose and in the manner hereinafter appearing ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the West Bengal Jute Goods (Amendment) Ordinance, 1952.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Amendment of section 2 of West Bengal Act V of 1950.*—At the end of clause (1) of section 2 of the West Bengal Jute Goods Act, 1950, the following *Explanation* shall be added and be deemed to have always been added, namely :—

“*Explanation.*—Actual delivery of possession shall be deemed to include the transfer of any delivery order or railway receipt or dock receipt or mate's receipt or godown warrant.”

3. *Ordinance not to apply to cases where decrees have been passed.*—Nothing in this Ordinance shall apply or be deemed ever to have applied to any case in which a decree has once been passed before the commencement of this Ordinance.

CALCUTTA,
The 23rd December 1952.

H. C. MOOKERJEE,
Governor of West Bengal.

Published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated the 6th January 1953.

The Gangasagar Mela Ordinance, 1953.

West Bengal Ordinance No. I of 1953

WHEREAS it is expedient to confer powers on the District Board of 24-Parganas for taking measures for the health, safety and welfare of persons attending the Gangasagar Mela and for levying fees for defraying the expenses incurred in such connection ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gangasagar Mela Ordinance, 1953.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Power of the District Board of 24-Parganas to make arrangements at Gangasagar Mela and to levy fees.*—(1) The District Board of 24-Parganas may, with the approval of the District Magistrate, 24-Parganas, make such arrangements for the health, safety and welfare of persons attending the Gangasagar Mela as it may deem fit and may incur with the approval of the District Magistrate, 24-Parganas such expenses from the District Fund (formed under the Bengal Local Self-Government Act of 1885) (Ben. Act III of 1885) as may be necessary for such purpose.

(2) It shall be lawful for the said District Board to realize a fee not exceeding one rupee and eight annas from every person (other than officers of Government or of the District Board on duty and children under the age of three years) attending the Gangasagar Mela. Such fee shall be realized in such manner as may be ordered by the said District Board and shall be credited to the District Fund aforesaid.

CALCUTTA,
The 6th January, 1953.

H. C. MOOKERJEE,
Governor of West Bengal.

Published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated the 8th January 1953.

The West Bengal Security (Amendment) Ordinance, 1953.

West Bengal Ordinance No. II of 1953.

WHEREAS it is expedient to amend the West Bengal Security Act, 1950 (West Ben. Act XIX of 1950), for the purposes and in the manner hereinafter appearing ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action :

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the West Bengal Security (Amendment) Ordinance, 1953.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Amendment of section 1 of West Ben. Act XIX of 1950.*—For sub-section (4) of section 1 of the West Bengal Security Act, 1950 (hereinafter referred to as the said Act) the following sub-section shall be substituted, namely :—

“(4) It shall cease to be in force at the expiration of six weeks from the reassembly (within the meaning of clause (2) of article 213 of the Constitution of India) of the West Bengal Legislature for the first time during the year 1953.”

3. *Amendment of section 21A.*—In section 21A of the said Act,—

(a) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely :—

“(1) The State Government shall specify in every order made under sub-section (1) of section 21, the grounds for the order ; and the person in respect of whom the order has been made shall be entitled to send a representation to the State Government against the order so as to reach the State Government within fourteen days of the date of the service of the order.

(2) The State Government shall, within seven days from the date of the receipt of the representation referred to in sub-section (1), or where no such representation is received within the period referred to in that sub-section, within twenty-one days from the date of the service of the order, place before an Advisory Board constituted under sub-section (6), the grounds for the order and the representation, if any, received within the period referred to in sub-section (1).

(3) The Advisory Board shall, after considering the grounds and the representation, if any, placed before it under sub-section (2), and after calling for and considering such further information, if any, as it may deem necessary in the interests of justice, from the State Government or from the person in respect of whom the order has been made, shall report to the State Government within one month from the date of the service of the order, whether or not in its opinion there is sufficient cause for the order.”

(b) in sub-section (5) for the words “from the date of the order, unless cancelled earlier” the words “from the date of the service of the order, but the State Government may at any time before the expiry of such period of six months, cancel the order” shall be substituted.

CALCUTTA,
The 6th January, 1953.

H. C. MOOKERJEE,
Governor of West Bengal.

Published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated the 6th January 1953.

The Gangasagar Mela Ordinance, 1953.

West Bengal Ordinance No. I of 1953

WHEREAS it is expedient to confer powers on the District Board of 24-Parganas for taking measures for the health, safety and welfare of persons attending the Gangasagar Mela and for levying fees for defraying the expenses incurred in such connection ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gangasagar Mela Ordinance, 1953.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Power of the District Board of 24-Parganas to make arrangements at Gangasagar Mela and to levy fees.*—(1) The District Board of 24-Parganas may, with the approval of the District Magistrate, 24-Parganas, make such arrangements for the health, safety and welfare of persons attending the Gangasagar Mela as it may deem fit and may incur with the approval of the District Magistrate, 24-Parganas such expenses from the District Fund (formed under the Bengal Local Self-Government Act of 1885) (Ben. Act III of 1885) as may be necessary for such purpose.

(2) It shall be lawful for the said District Board to realize a fee not exceeding one rupee and eight annas from every person (other than officers of Government or of the District Board on duty and children under the age of three years) attending the Gangasagar Mela. Such fee shall be realized in such manner as may be ordered by the said District Board and shall be credited to the District Fund aforesaid.

CALCUTTA,
The 5th January, 1953.

H. C. MOOKERJEE,
Governor of West Bengal.

Published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated the 8th January 1953.

The West Bengal Security (Amendment) Ordinance, 1953.

West Bengal Ordinance No. II of 1953.

WHEREAS it is expedient to amend the West Bengal Security Act, 1950 (West Ben. Act XIX of 1950), for the purposes and in the manner hereinafter appearing ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the West Bengal Security (Amendment) Ordinance, 1953.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Amendment of section 1 of West Ben. Act XIX of 1950.*—For sub-section (4) of section 1 of the West Bengal Security Act, 1950 (hereinafter referred to as the said Act) the following sub-section shall be substituted, namely :—

“(4) It shall cease to be in force at the expiration of six weeks from the reassembly (within the meaning of clause (2) of article 213 of the Constitution of India) of the West Bengal Legislature for the first time during the year 1953.”

3. *Amendment of section 21A.*—In section 21A of the said Act,—

(a) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely :—

“(1) The State Government shall specify in every order made under sub-section (1) of section 21, the grounds for the order ; and the person in respect of whom the order has been made shall be entitled to send a representation to the State Government against the order so as to reach the State Government within fourteen days of the date of the service of the order.

(2) The State Government shall, within seven days from the date of the receipt of the representation referred to in sub-section (1), or where no such representation is received within the period referred to in that sub-section, within twenty-one days from the date of the service of the order, place before an Advisory Board constituted under sub-section (6), the grounds for the order and the representation, if any, received within the period referred to in sub-section (1).

(3) The Advisory Board shall, after considering the grounds and the representation, if any, placed before it under sub-section (2), and after calling for and considering such further information, if any, as it may deem necessary in the interests of justice, from the State Government or from the person in respect of whom the order has been made, shall report to the State Government within one month from the date of the service of the order, whether or not in its opinion there is sufficient cause for the order.”

(b) in sub-section (5) for the words “from the date of the order, unless cancelled earlier” the words “from the date of the service of the order, but the State Government may at any time before the expiry of such period of six months, cancel the order” shall be substituted.

CALCUTTA,
The 6th January, 1953.

H. C. MOOKERJEE,
Governor of West Bengal.

The West Bengal Bargadars (Amendment) Act, 1953.

The following Act of the West Bengal Legislature, has been assented to by the Governor, [Vide Notification No. 688L., of the Legislative Department, dated the 11th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 11th March 1953.]

West Bengal Act I of 1953

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 11th March, 1953.]

An Act to amend the West Bengal Bargadars Act, 1950.

WHEREAS it is expedient to amend the West Bengal *Bargadars* Act, 1950 (West Ben. Act II of 1950), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal *Bargadars* (Amendment) Act, 1953.

(2) It shall come into force immediately on the West Bengal *Bargadars* (Amendment) Ordinance, 1952 (West Ben. Ord. XIV of 1952), ceasing to operate.

Notes

Object—“The Bill seeks to extend the life of the West Bengal *Bargadars* Act, 1950 till the 31st day of March, 1955 and to enact the provisions of the West Bengal *Bargadars* (Amendment) Ordinance, 1952 as well as to make certain other amendments which are necessary for a more effective implementation of the Act.” [Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IVA, dated the 24th January 1953, page 80.]

2. *Amendment of section 1 of West Bengal Act II of 1950.*—In sub-section (4) of section 1 of the West Bengal *Bargadars* Act, 1950 (hereinafter referred to as the said Act), for the words “the 31st day of March, 1953” the words “the 31st day of March, 1955” shall be substituted.

3. *Amendment of section 2.*—Clause (e) of section 2 of the said Act shall be omitted.

4. *Amendment of section 3.*—In clause (1) of section 3 of the said Act, after the words “mode of division” occurring for the first time the words “of the entire produce” shall be inserted.

5. *Amendment of section 5.*—In section 5 of the said Act,—

(a) in sub-section (1), for the words “The owner of any land cultivated by a *bargadar* shall be entitled to terminate the cultivation of such land by the *bargadar* on one or more of the following grounds, namely :—”, the following shall be substituted, namely :—

“The owner of any land cultivated by a *bargadar* shall not be entitled to terminate the cultivation of such land by the *bargadar* except on one or more of the following grounds, namely :—”;

(b) for clause (a) of sub-section (1), the following clause shall be substituted, namely :—

“(a) that the owner requires the land *bona fide* for cultivation by himself or by members of his family or by servants ;”;

(c) in sub-section (2),—

(i) the words “or labourers” shall be omitted, and

(ii) the following words shall be added at the end, namely :—

“and shall also be entitled to compensation payable in money not exceeding the actual loss sustained by him in consequence of his being pre-

vented from cultivating the land during the period between the termination of and the restoration to, cultivation of the land by him."

6. *Amendment of section 7.*—In section 7 of the said Act,—

(a) in clause (c) of sub-section (1), the following words shall be added at the end, namely :—

"or the determination of the sum of money payable as compensation under sub-section (2) of section 5";

(b) in clause (d) of sub-section (1), after the words "the place of thrashing" the comma and words ", the place of stacking" shall be inserted ;

(c) in the *Explanation* to sub-section (2), for the words "Where there is an agreement" the words "Where there is an agreement in writing as to the mode of division of the entire produce" shall be substituted ;

(d) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2a) If in deciding any dispute referred to in sub-section (1), any question arises as to whether a person is a *bargadar* or an owner, such question shall be determined by the Board :

Provided that every such determination shall be subject to any subsequent decision of a Civil Court of competent jurisdiction."

(e) to sub-section (3), the following proviso shall be added, namely :—

"Provided that where the dispute is in respect of the division or delivery of the produce, the Board shall specify the money which shall be payable under the award or the order, in default of delivery of the share of the produce, as being the value of such share."

7. *Amendment of section 8.*—In section 8 of the said Act,—

(a) after the words "thrashing any crop in proper time" the words "or stacking of the produce" shall be inserted ;

(b) after the words "to be harvested or thrashed" the words "or the produce to be stacked" shall be inserted.

8. *Insertion of new section 10A.*—After section 10 of the said Act, the following section shall be inserted, namely :—

"10A. *Review.*—A Board or an Appellate Officer may on application by any person aggrieved, made within one month of the date of any award or order, review such award or order :

Provided that no application for review shall lie from any award or order from which an appeal has been preferred "

9. *Amendment of section 12.*—In section 12 of the said Act, after sub-section (2), the following sub-section shall be added, namely :—

"(3) No order made by a Board or an Appellate Officer for the termination of the cultivation of or the restoration to cultivation of any land by a *bargadar* shall be executed except during the months of *Chaitra* and *Baisakh* of the Bengali year.

10. *Savings.*—On the West Bengal *Bargadars* (Amendment) Ordinance, 1952 (West Ben. Ord. XIV of 1952), ceasing to operate, section 8 of the Bengal General Clauses Act, 1893 (Ben. Act I of 1899), shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

The Bengal Tenancy (Amendment) Act, 1953.

The following Act of the West Bengal Legislature, has been assented to by the Governor [Vide Notification No. 889L., of the Legislative Department, dated the 11th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 11th March 1953.]

West Bengal Act II of 1953.*[Passed by the West Bengal Legislature.]**[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 11th March, 1953.]***An Act to amend the Bengal Tenancy Act, 1885.**

WHEREAS it is expedient to amend the Bengal Tenancy Act, 1885 (VIII of 1885), for the purposes and in the manner hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Tenancy (Amendment) Act, 1953.

(2) Sections 2 and 4 of this Act shall come into force immediately on the Bengal Tenancy (West Bengal Amendment) Ordinance, 1952 (West Ben. Ord. XIII of 1952), ceasing to operate ; the rest of this Act shall come into force at once.

Notes

Object—"Section 75A of the Bengal Tenancy Act, 1885 which suspended the provisions relating to the enhancement of rent of raiyats and under-raiyats for a period of five years with effect from the 27th August, 1947 was due to be inoperative with effect from the 27th August, 1952. This embargo on enhancement of rents of raiyats and under-raiyats was imposed with a view to preventing hardship which would be caused to the cultivators as a result of enhancement of their rents by the landlords on the ground of high prices of crops. As there had not yet been any substantial change in the condition which prevailed at the time when this embargo was imposed, it was considered necessary to continue the same for a further period of two years with effect from the 27th August, 1952, and the Legislature not having been in session at the time, an Ordinance, namely, the Bengal Tenancy (West Bengal Amendment) Ordinance, 1952 was promulgated making necessary amendment in the Act for the purpose. It is now necessary to keep the amendment in force by an enactment.

It is also proposed to amend section 116 of the Act which bars accrual of occupancy and other rights in lands acquired under the Land Acquisition Act, 1894 (I of 1894) so as to make the provisions thereof applicable also to lands acquired under other laws providing for acquisition of land. Large areas of land have been acquired under these other laws which have been enacted in recent times. In the public interest it is necessary to prevent accrual of occupancy and other rights in such lands also.

The Bill has been framed with this object in view." [Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IVA, dated the 12th January 1953, page 30.]

2. *Amendment of section 75A of Act VIII of 1885.*—In section 75A of the Bengal Tenancy Act, 1885 (hereinafter referred to as the said Act), for the words "period of five years", wherever they occur, the words "period of ten years" shall be substituted.

3. *Amendment of section 116.*—In section 116 of the said Act, for the words and figures "acquired under the Land Acquisition Act, 1894 (I of 1894).", the words, brackets and figures "acquired or deemed to have been acquired under the Land Acquisition Act, 1894, or the Defence of India Rules made under the Defence of India Act, 1939 (XXXV of 1939), or the Requisitioned Land (Continuance of Powers) Act, 1941 (XVII of 1947), or the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Ben. Act II of 1948), or the West Bengal Land Development and

Planning Act, 1948 (West Ben. Act XXI of 1948), or the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951 (West Ben. Act VIII of 1951), or the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952), or any other law for the time being in force providing for the compulsory acquisition of land" shall be substituted.

4. *Bengal Act I of 1899 to apply upon the expiry of West Bengal Ordinance XIII of 1952.*—On the Bengal Tenancy (West Bengal Amendment) Ordinance, 1952, ceasing to operate, section 8 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899), shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

The West Bengal Jute Goods (Amendment) Act, 1953.

The following Act of the West Bengal Legislature, has been assented to by the Governor [Vide Notification No. 690L, of the Legislative Department, dated the 11th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 11th March 1953.]

West Bengal Act III of 1953.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 11th March, 1953.]

An Act to amend the West Bengal Jute Goods Act, 1950.

WHEREAS it is expedient to amend the West Bengal Jute Goods Act, 1950 (West Ben. Act V of 1950), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement*—(1) This Act may be called the West Bengal Jute Goods (Amendment) Act, 1953.

(2) It shall be deemed to have come into force on the 23rd day of December, 1952.

Notes

Object.—“Early in 1950, the West Bengal Jute Goods Act, 1950, was enacted with a view to eliminate all prevailing gambling practices in the jute trade which had the effect of upsetting the market and adversely affecting India's export trade in jute goods.

The Act prohibits all contracts relating to the forward sale or purchase of jute goods made on a non-specific basis. Forward contracts in jute goods to be fulfilled by *actual delivery* of goods of the particular variety or description contracted for on the due date, which is a feature of the normal trade, are not, however, prohibited by that Act.

It has always been the customary practice with the jute goods trade in the Calcutta market to regard the transfer of delivery orders, which are issued only against stocks of manufactured jute goods in actual existence in the godowns of the jute mills, as *actual delivery*, and they are also accepted as such by all *bona fide* dealers and shippers in jute goods. The Act, as it stands, does not make this point clear. As a result, of the re-imposition of the ban on *falka* markets in jute goods with a view to checking speculation and fluctuation in prices, with effect from the 18th December, 1952, there was a stalemate in the jute goods trade in the Calcutta market. It was, therefore, necessary to clarify the definition of “actual delivery” in consonance with the customary trade practices, and accordingly the West Bengal Jute Goods (Amendment) Ordinance, 1952, was promulgated on the 23rd December, 1952, providing for the addition of

an *Explanation* at the end of clause (1) of section 2 of the West Bengal Jute Goods Act, 1950, whereby *actual delivery* of possession has been deemed to include the transfer of any delivery order or railway receipt or dock receipt or mate's receipt or godown warrant.

As the circumstances which necessitated the promulgation of the Ordinance still exist, it is proposed to enact the present legislation". [Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IV-A, dated the 21st January 1953, page 74.]

2. *Amendment of section 2 of West Bengal Act V of 1950.*—At the end of clause (1) of section 2 of the West Bengal Jute Goods Act, 1950, the following *Explanation* shall be added and be deemed to have always been added, namely :—

“Explanation.—Actual delivery of possession shall be deemed to include the transfer of any delivery order or railway receipt or dock receipt or mate's receipt or godown warrant.”

3. *Act not to apply to cases where decrees have been passed.*—Nothing in this Act shall apply or be deemed ever to have applied to any case in which a decree has once been passed before the commencement of this Act.

— — —

The Gangasagar Mela Act, 1953.

The following Act of the West Bengal Legislature, has been assented to by the Governor [Vide Notification No. 710L., of the Legislative Department, dated the 14th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 14th March 1953.]

West Bengal Act IV of 1953.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 14th March, 1953.]

An Act to confer powers on the District Board of 24-Parganas for taking measures for the health, safety and welfare of persons attending the Gangasagar Mela and for levying fees for defraying the expenses incurred in such connection.

WHEREAS it is expedient to confer powers on the District Board of 24-Parganas for taking measures for the health, safety and welfare of persons attending the Gangasagar Mela and for levying fees for defraying the expenses incurred in such connection ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Gangasagar Mela Act, 1953.

(2) It shall come into force immediately on the Gangasagar Mela Ordinance, 1953 (West Ben. Ord. I of 1953), ceasing to operate.

Notes

Object.—The Gangasagar Mela is held about the middle of January every year. The Mela grounds are within the local jurisdiction of the District Board of 24-Parganas, and the Board has to make suitable arrangements for the health, welfare and safety of the visitors.

2. To enable the Board to levy a fee at a rate not exceeding one rupee and eight annas per visitor (excluding children under 3 years) to meet the expenses in connection with such arrangements, an Ordinance was promulgated on the 6th of January, 1953, to confer specific powers on the Board to levy the aforesaid fee.

3. The present Bill seeks to enact the provisions of the Ordinance

[Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IVA, dated the 5th February 1953, page 142.]

2. *Power of the District Board of 24-Parganas to make arrangements at Gangasagar Mela and to levy fees.*—(1) The District Board of 24-Parganas may, with the approval of the District Magistrate, 24-Parganas, make such arrangements for the health, safety and welfare of persons attending the Gangasagar Mela as it may deem fit and may, with like approval, incur such expenses from the District Fund (formed under the Bengal Local Self-Government Act of 1885) (Ben. Act III of 1885) as may be necessary for such purpose

(2) It shall be lawful for the said District Board to realize such fee not exceeding one rupee, as may be determined from time to time by the District Board, from every person attending the Gangasagar Mela, other than officers of Government or of the District Board on duty, children under the age of twelve years, and *sadhus*, *sannyasis* and beggars. Such fee shall be realized in such manner as may be ordered by the said District Board and shall be credited to the District Fund aforesaid.

3. *Savings.*—Any fee realized, any action taken or anything whatsoever done under the Gangasagar Mela Ordinance, 1953, shall be deemed to have been validly realized, taken or done.

The West Bengal Security (Amendment) Act, 1953.

The following Act of the West Bengal Legislature, has been assented to by the President, [Vide Notification No. 713L., of the Legislative Department, dated the 14th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 14th March 1953.]

West Bengal Act V of 1953.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 14th March, 1953.]

An Act to amend the West Bengal Security Act, 1950.

WHEREAS it is expedient to amend the West Bengal Security Act, 1950 (West Ben. Act XIX of 1950), for the purposes and in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Security (Amendment) Act, 1953.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Notes

Object—“The object of the Bill is two-fold first, to extend the life of the West Bengal Security Act, 1950, and secondly, to amend section 21A to improve the working of the Act.

2. The West Bengal Security Act, 1950, was due to expire on the 26th January, 1953. But its life was extended till the expiry of six weeks from the date of the summoning of the Legislature. It is now proposed to extend it for a further period of three years beginning from the date of its commencement as the circumstances that necessitated the passing of the Act still exist.

3. Orders of externment, internment etc., under section 21A are to be placed before the Advisory Board for its examination and report to Government. A question has arisen as to whether such orders should be placed before the Board even when the person in respect of whom the

order is passed makes no representation against them. Clause 4 of the proposed Bill makes it clear that, as in the case of orders under the Preventive Detention Act, all orders under section 21A are to be placed before the Board whether there is a representation or not.

Under the existing provisions, the person in respect of whom the order is passed is given three weeks' time from the date of the order to submit his representation and Government one week to collect the records and submit them to the Board. The Board gets only two or three days' time to consider the case and send its report to the Government, as under the existing law the Board has to give its opinion within one month from the date of the order. It is necessary that the Board should have a little more time to examine such cases and report on them. It is accordingly proposed to give—

(i) to the person in respect of whom the order is passed, fourteen days' time from the date of the service of the order, to submit his representation;

(ii) to the Government,

(a) when representation is filed, seven days from the date of its receipt;

(b) when no representation is filed twenty-one days from the date of the service of the order; and

(iii) to the Advisory Board, one month's time from the date of the service of the order, for reporting on the case.

Under the existing provisions, the periods of three weeks allowed to the person in respect of whom the order is passed and one month allowed to the Advisory Board are counted from the date of the order. If there is a gap between the date of the order and the date of its service then the periods allowed to such person and to the Advisory Board are reduced by that extent. To remove the difficulties that may result it has now been proposed that the time allowed to such person and to the Advisory Board should be counted from the date of the service of the order.

Section 21A of the existing Act has been recast to embody the above changes." [Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IVA, dated the 14th January 1953, page 38.]

Date of commencement.—Notification No. 168H.S.—14th March 1953. —“In pursuance of sub-section (2) of section 1 of the West Bengal Security (Amendment) Act, 1953 (West Bengal Act V of 1953), the Governor is pleased to appoint the 14th March, 1953 as the date on which the said Act shall come into force.” [Published in the *Calcutta Gazette*, Extraordinary, Part I, dated the 14th March 1953, page 354.]

2. **Interpretation.**—In this Act, the expression “the principal Act” means the West Bengal Security Act, 1950, as in force immediately before the promulgation of the West Bengal Security (Amendment) Ordinance, 1953 (West Ben. Ord. II of 1953).

3. **Amendment of section 1 of West Bengal Act XIX of 1950.**—In sub-section (4) of section 1 of the principal Act, for the words “three years” the words “six years” shall be substituted.

4. **Amendment of section 21A.**—In section 21A of the principal Act,—

(a) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely :—

“(1) The State Government shall specify in every order made under sub-section (1) of section 21, the grounds for the order ; and the person in

respect of whom the order has been made shall be entitled to send a representation to the State Government against the order so as to reach the State Government within twenty one days of the date of the service of the order.

(2) The State Government shall, within seven days from the date of the receipt of the representation referred to in sub-section (1), or where no such representation is received within the period referred to in that sub-section, within twenty-eight days from the date of the service of the order, place before an Advisory Board constituted under sub-section (6), the grounds for the order and the representation, if any, received within the period referred to in sub-section (1).

(3) The Advisory Board shall, after considering the grounds and the representation, if any, placed before it under sub-section (2), and after calling for and considering such further information, if any, as it may deem necessary in the interests of justice, from the State Government or from the person in respect of whom the order has been made, report to the State Government within one month and a half from the date of the service of the order, whether or not in its opinion there is sufficient cause for the order.

(b) in sub-section (5), for the words "from the date of the order, unless cancelled earlier" the words "from the date of the service of the order, but the State Government may at any time before the expiry of such period of six months, cancel the order" shall be substituted.

5. *Repeal of West Bengal Ordinance II of 1953.*—The West Bengal Security (Amendment) Ordinance, 1953 (West Ben. Ord. II of 1953), is hereby repealed and shall be deemed never to have been in force; but any order made, any action taken or any opinion given under the principal Act, as amended by that Ordinance, shall be deemed to have been made, taken, or given under the principal Act as amended by this Act as if this Act had come into force on the 8th day of January, 1953.

The Calcutta Thika Tenancy (Amendment) Act, 1953.

The following Act of the West Bengal Legislature, has been assented to by the President [Vide Notification No. 714L., of the Legislative Department, dated the 14th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 14th March 1953.]

West Bengal Act VI of 1953.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 14th March, 1953.]

An Act to amend the Calcutta Thika Tenancy Act, 1949.

WHEREAS it is expedient to amend the Calcutta Thika Tenancy Act, 1949 (West Ben. Act II of 1949), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Calcutta Thika Tenancy (Amendment) Act, 1953.

(2) It shall come into force immediately on the Calcutta Thika Tenancy (Amendment) Ordinance, 1952 (West Ben. Ord. XV of 1952), ceasing to operate:

Provided that the provisions of the Calcutta Thika Tenancy Act, 1949, as amended by this Act, shall, subject to the provisions of section 9, also apply and be deemed to have always applied to all suits, appeals and proceedings pending—

(a) before any Court, or
 (b) before the Controller, or
 (c) before a person deciding an appeal under section 27 of the said Act,
 on the date of the commencement of the Calcutta *Thika* Tenancy (Amendment) Ordinance, 1952.

Notes

Object—“The expression “*thika* tenant” as defined in the Calcutta *Thika* Tenancy Act, 1949 has been interpreted by the Courts in a manner as virtually to deny the protection of the Act to the persons for whom it was intended. As the decisions adversely affected a large number of persons, it was considered urgently necessary in the public interest to amend the Act by an Ordinance with a view to giving relief to such persons.

The present Bill seeks to enact the provisions of the Ordinance with certain modifications and to make certain further amendment to the Act with a view to giving more effective protection to the *thika* tenants.” [Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IV-A, dated the 9th February 1953, page 191.]

2. *Amendment of section 2 of West Bengal Act II of 1949.*—In section 2 of the Calcutta *Thika* Tenancy Act, 1949 (hereinafter referred to as the said Act), for clause (5), the following clause shall be substituted, namely :—

“(5) ‘*thika* tenant’ means any person who holds, whether under a written lease or otherwise, land under another person, and is or but for a special contract would be liable to pay rent, at a monthly or at any other periodical rate, for that land to that another person and has erected or acquired by purchase or gift any structure on such land for a residential, manufacturing or business purpose and includes the successors in interest of such person, but does not include a person—

- (a) who holds such land under that another person in perpetuity ; or
- (b) who holds such land under that another person under a registered lease, in which the duration of the lease is expressly stated to be for a period of not less than twelve years ; or
- (c) who holds such land under that another person and uses or occupies such land as a *khattal*.”

3. *Amendment of section 3.*—In section 3 of the said Act,—

- (a) to clause (i), the following proviso shall be added, namely :—

“Provided that no tenant paying rent at intervals of a month or less shall be evicted unless he has made at least three successive defaults in such payment.”;

- (b) in clause (iv), the words “the system of” shall be omitted ;

- (c) to clause (v) the following proviso shall be added, namely :—

“Provided that in such a case the *thika* tenant may continue to be in possession of that part of the structure and land, which he himself uses or occupies and shall in respect of such part be deemed to be a tenant within the meaning of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950 (West Ben. Act XVII of 1950), holding under the landlord.”.

4. *Amendment of section 5.*—In sub-section (1) of section 5 of the said Act, the words “but subject to the provisions of section 28,” shall be omitted.

5. *Amendment of section 10.*—In section 10 of the said Act,—

- (1) in sub-section (1), for the words “erected by the *thika* tenant on”,

the words "standing upon" shall be substituted ;

(2) in sub-section (2),—

(a) for the words "erected in any holding by a *thika* tenant", the words "standing on any holding of a *thika* tenant" shall be substituted ;

(b) for the words "any *Bharatia* in possession of such structure shall" the words "any *Bharatia* in possession of such structure or any part thereof, shall without any application being made" shall be substituted ;

(c) for the words "deemed to be a tenant" the words "deemed to be a tenant in respect of such structure or part thereof, as the case may be," shall be substituted ;

(d) for the words "such structures" the words "such structure" shall be substituted ;

(e) in the proviso, for the words "such structure" the words "such structure or part thereof, as the case may be" shall be substituted.

6. *Omission of section 11.*—Section 11 of the said Act shall be omitted.

7. *Amendment of section 27.*—In sub-section (6) of section 27 of the said Act after the words "subject to such order," the words "if any," shall be inserted.

8. *Omission of sections 28 and 29.*—Sections 28 and 29 of the said Act shall be omitted.

9. *Continuance.*—Any proceedings commenced under sub-section (2) of section 5 of the Calcutta *Thika* Tenancy (Amendment) Ordinance, 1952 (West Ben. Ord. XV of 1952), shall, on the said Ordinance ceasing to operate, be continued as if sub-sections (2), (3) and (4) of that section and the *Explanation* to that section were in force.

The Bengal Co-operative Societies (Amendment) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 765L, of the Legislative Department, dated the 24th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 24th March 1953.]

West Bengal Act VII of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 24th March, 1953]

An Act to amend the Bengal Co-operative Societies Act, 1940.

WHEREAS it is expedient to amend the Bengal Co-operative Societies Act, 1940 (Ben. Act XXI of 1940), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title* - This Act may be called the Bengal Co-operative Societies (Amendment) Act, 1953.

Notes

Object — The Bill seeks to replace section 51 of the Bengal Co-operative Societies Act, 1940, by a new section in order to provide for a more effective procedure for deductions from the salary of a person employed under Government or a local body or any other person in repayment of a loan taken by him from the Co-operative Society.

The Bill also seeks to amend section 125 of the Act in order to ensure more effective conditional attachment of property by the Registrar of Co-operative Societies in order to prevent the removal or disposal of assets with a view to frustrate the execution of certain orders." [Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IVA, dated the 12th January 1953, page 32.]

2. *Substitution of new section for section 51.*—For section 51 of the Bengal Co-operative Societies Act, 1940 (hereinafter referred to as the said Act), the following section shall be substituted, namely :—

"51. *Deduction of dues to Co-operative Societies from salaries of members.*—If a member of a co-operative society, who is in the employment of the Government or of any local authority or of any other person, takes a loan from a co-operative society in terms of a written contract, providing that the loan is to be repaid by instalments and that the society shall be entitled to recover such instalments from his salary, the person who disburses any amount payable to such member as salary in respect of such employment shall, on demand from the society, deduct the amount of such instalment from the amount disbursed to such member as salary as often as is necessary until the loan is repaid and shall after any such deduction is made forthwith remit to the society the amount so deducted :

Provided that nothing in this section shall apply to persons employed upon railways within the meaning of the Constitution or in mines or oil fields."

3. *Amendment of section 125* —In sub-section (1) of section 125 of the said Act, for the words "may, unless such security is furnished as he may require, direct the conditional attachment of the said property or such part thereof as he thinks fit" the following shall be substituted, namely :—

"may, by an order in writing, direct such person or co-operative society, within a time to be fixed by him, either to furnish security, in such sum as may be specified in the order, to produce and place at the disposal of the Registrar, when required, the said property or the value of

the same, or such portion thereof as may be considered sufficient by the Registrar, or to show cause why he or it should not furnish such security. The Registrar may also in the order direct the conditional attachment of the said property or such portion thereof as he thinks fit."

The Bengal Smoke-Nuisances (Amendment) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 786L., of the Legislative Department, dated the 24th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 24th March 1953.]

West Bengal Act VIII of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 24th March, 1953.]

An Act to amend the Bengal Smoke-nuisances Act, 1905.

WHEREAS it is expedient to amend the Bengal Smoke-nuisances Act, 1905 (Ben. Act III of 1905), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bengal Smoke-nuisances (Amendment) Act, 1953.

Notes

Object—"The Bengal Smoke-nuisances Act, 1905, does not provide for prosecution of directors of companies or firms with the result that prosecution cases often fail because the manager or the man attending the furnace, against whom prosecution now lies, is found to be no longer in the employ of the company or firm as soon as summons is issued. The time-limit of two months provided for in the Act for taking cognizance of offences has also often been found to be too short for effecting prosecution. These defects are proposed to be rectified by this Bill". [Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IVA, dated the 14th January 1953, page 39.]

2. *Amendment of section 3 of Bengal Act III of 1905.*—In section 3 of the Bengal Smoke-nuisances Act, 1905 (hereinafter referred to as the said Act), for clause (4) the following clause shall be substituted, namely :—

"(4) the expression 'owner' when used with reference to a furnace, flue or chimney, means—

(i) any person who owns the furnace, flue or chimney ;

(ii) any agent or hirer using the furnace, flue or chimney ; and

(iii) any foreman or other person superintending the working of the furnace, flue or chimney ; and".

3. *Amendment of section 11.*—In clause (b) of section 11 of the said Act, for the words "two months", the words "four months", shall be substituted.

4. *Addition of new section.*—After section 11 of the said Act, the following section shall be added, namely :—

"12. *Offences by companies, etc*—Where a person committing an offence under this Act is a company, a body corporate, a partnership, a Hindu joint family firm, or any association of individuals, every director, partner, manager, secretary, agent or other person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed to be guilty of such offence."

**The West Bengal Premises Rent Control (Temporary Provisions)
(Amendment) Act, 1953.**

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 791L., of the Legislative Department, dated the 28th March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 28th March 1953.]

West Bengal Act IX of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 28th March, 1953.]

An Act to amend the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950.

WHEREAS it is expedient to amend the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950 (West Ben. Act XVII of 1950), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Premises Rent Control (Temporary Provisions) (Amendment) Act, 1953.

2. *Amendment of section 1 of West Bengal Act XVII of 1950.*—In sub-section (4) of section 1 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950, for the words “31st day of March, 1953” the words “31st day of March, 1954” shall be substituted.

The West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 792L., of the Legislative Department, dated the 28th March, 1953 published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 28th March 1953]

West Bengal Act X of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 28th March, 1953.]

An Act to amend the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

WHEREAS it is expedient to amend the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947 (West Ben. Act V of 1947), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title* — This Act may be called the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1953.

Notes

Object—“The West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947 will cease to be in force after the 31st day of March, 1953. As the problem of housing accommodation still continues to be acute, it is necessary to continue the Act for a further period.

Accordingly this Act extends the life of the Act for a period of one year only for the present. [Vide Statement of Objects and Reasons, printed in the *Calcutta Gazette*, Extraordinary, Part IVA, dated the 9th February 1953, page 187.]

2. *Amendment of section 1 of West Bengal Act V of 1947.*—In sub-section (4) of section 1. of the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947, for the words “31st day of

March, 1953" the words "31st day of March, 1954" shall be substituted.

— — — — —

The West Bengal Appropriation Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 814L., of the Legislative Department, dated the 31st March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 31st March 1953.]

West Bengal Act XI of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 31st March 1953.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty first day of March, 1954.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1954 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Appropriation Act, 1953.

2. *Issue of Rs. 75 11,52,001 out of the Consolidated Fund of West Bengal for the year 1953-54.*—From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees seventy-five crores, eleven lakhs, fifty-two thousand and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1954, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1954.

SCHEDULE

(See sections 2 and 3.)

*

*

*

*

[For Schedule, see *Calcutta Gazette*, Extraordinary, Part III, 1953, pages 448 to 452.]

— — — — —

The West Bengal Appropriation (No. 2) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 815L., of the Legislative Department, dated the 31st March 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 31st March 1953.]

West Bengal Act XII of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 31st March, 1953.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty first day of March, 1953.

WHEREAS it is expedient to authorise payment and appropriation

of certain further sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1953 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Appropriation (No. 2) Act, 1953.

2. *Issue of Rupees 1,50,02,900 out of the Consolidated Fund of West Bengal for the year 1952-53*—From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees one crore, fifty lakhs, two thousand and nine hundred towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1953, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1953.

SCHEDULE

(See sections 2 and 3.)

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Conso- lidated Fund.	Total.
		Rs.	Rs.	Rs.
11	22—Interest on Debt and other obligations.	...	4,86,000	4,86,000
20	38—Medical	...	1,900	1,900
29	50—Civil Works	...	5,49,000	5,49,000
30	54—Famine	34,12,900	100	34,13,000
32	54B—Privy Purses and Allowances of Indian Rulers.	6,000	...	6,000
36	82—Capital Account of other State Works outside the Revenue Account—Expenditure on displaced persons.	...	5,000	5,000
37	63—Extraordinary Charges in India.	90,46,000	14,000	90,60,000
43	Loans and Advances bearing interest.	14,82,000	...	14,82,000
	Total	1,39,46,900	10,56,000	1,50,02,900

The Bengal Public Demands Recovery (Amendment) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 835L. of the Legislative Department, dated the 1st April 1951, published in the *Calcutta Gazette*, Part III, Extraordinary, dated the 1st April 1953.]

West Bengal Act XIII of 1953

[Passed by the West Bengal Legislature.]

An Act to amend the Bengal Public Demands Recovery Act, 1913.

WHEREAS it is expedient to amend the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bengal Public Demands Recovery (Amendment) Act, 1953.

2. *Amendment of section 3 of Bengal Act III of 1913.*—After clause (3) of section 3 of the Bengal Public Demands Recovery Act, 1913 (hereinafter referred to as the said Act), the following clause shall be inserted, namely :—

“(3a) “Collector” means the chief officer in charge of the revenue administration of a district and includes an Additional District Magistrate appointed under sub-section (2) of section 10 of the Code of Criminal Procedure, 1898 (Act V of 1898).”

3. *Amendment of section 29.*—In section 29 of the said Act,—

(a) in sub-section (1),—

(i) for the words “, after giving the certificate-debtor an opportunity of showing cause why he should not be committed to civil prison,” the words “the certificate-officer has issued and served a notice upon the certificate-debtor calling upon him to appear before him on a day to be specified in the notice and to show cause why he should not be committed to civil prison, and unless” shall be substituted, and

(ii) sub-clause (i) of clause (a) shall be omitted ;

(b) after sub-section (1), the following sub-sections shall be inserted, namely :—

“(1a) Notwithstanding anything contained in sub-section (1), a warrant for the arrest of the certificate-debtor may be issued by the certificate-officer if the certificate-officer is satisfied, by affidavit, or otherwise, that, with the object or effect of delaying the execution of the certificate, the certificate-debtor is likely to abscond or leave the local limits of the jurisdiction of the certificate-officer.

(1b) Where appearance is not made in obedience to a notice, issued and served under sub-section (1), the certificate-officer may issue a warrant for the arrest of the certificate-debtor.

(1c) Every person arrested in pursuance of a warrant of arrest issued under sub-section (1a) or sub-section (1b), shall be brought before the certificate-officer as soon as practicable and in any event within twenty-four hours of his arrest (exclusive of the time required for journey) :

Provided that, if the certificate-debtor pays the amount entered in the warrant of arrest as due under the certificate, and the cost of the arrest, to the officer arresting him, such officer shall at once release him.”;

(c) in sub-section (2), after the words “to show cause” the words “or is brought before the certificate-officer under sub-section (1c)” shall be inserted ;

(d) in sub-section (4),—

(i) for the words “under sub-section (3)”, the words “under sub-section (2)” shall be substituted, and

(ii) after the words “cause him to be arrested”, the words “if he is not already under arrest” shall be added ; and

(e) after sub-section (4), the following sub-section shall be added, namely :—

“(5) When the certificate-officer does not make an order of detention under sub-section (4), he shall, if the certificate-debtor is under arrest, direct his release.”

4. *Amendment of Schedule II.*—In Schedule II to the said Act, rule 77 shall be omitted.

The West Bengal Electricity (Emergency Powers) (Amendment) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1035L, of the Legislative Department, dated the 24th April 1953, published in the *Calcutta Gazette*, Part III, Extraordinary, dated the 24th April 1953.]

West Bengal Act XIV of 1953

[*Passed by the West Bengal Legislature.*]

An Act to amend the West Bengal Electricity (Emergency Powers) Act, 1948.

WHEREAS it is expedient to amend the West Bengal Electricity (Emergency Powers) Act, 1948 (West Ben. Act XVII of 1948), for the purpose and in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Electricity (Emergency Powers) (Amendment) Act, 1953.

2. *Amendment of section 1 of West Bengal Act XVII of 1948.*—In sub section (4) of section 1 of the West Bengal Electricity (Emergency Powers) Act, 1948, for the words “five years” the words “seven years” shall be substituted.

The West Bengal Criminal Law Amendment (Special Courts) Amending Act, 1953

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1167L, of the Legislative Department, dated the 9th May 1953, published in the *Calcutta Gazette*, Part III, Extraordinary, dated the 9th May 1953.]

West Bengal Act XV of 1953

[*Passed by the West Bengal Legislature.*]

An Act to amend the West Bengal Criminal Law Amendment (Special Courts) Act, 1949.

WHEREAS it is expedient to amend the West Bengal Criminal Law Amendment (Special Courts) Act, 1949 (West Ben. Act XXI of 1949), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Criminal Law Amendment (Special Courts) Amending Act, 1953.

2. *Amendment of section 5 of West Bengal Act XXI of 1949.*—In section 5 of the West Bengal Criminal Law Amendment (Special Courts) Act, 1949 (hereinafter referred to as the said Act),—

(a) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1a) A Special Court may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof ; and any pardon so tendered shall, for the purposes of sections 33 and 339A of the Code of Criminal Procedure, 1898 (Act V of 1898), be deemed to have been tendered under section 338 of that Code ” ; and

(b) in sub-section (2), after the expression, “sub-section (1)” the expression “or sub-section (1a)” shall be inserted.

3. *New section 13*—After section 12 of the said Act, the following section shall be added, namely :—

“13. *Certain sections of Act XLVI of 1952, not to apply to West*

Bengal.—Sections 5, 6, 7, 8, 9 and 10 of the Criminal Law Amendment Act, 1952 (XLVI of 1952), shall not apply and shall be deemed never to have applied to West Bengal.”.

4. *Amendment of the Schedule.*—In the Schedule to the said Act, in item 1, for the expression “or section 164 or section 165”, the expression “, section 164, section 165 or section 165A” shall be substituted.

The Prohibition of Smoking in Passenger Vehicles Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1193L, of the Legislative Department, dated the 13th May 1953, published in the *Calcutta Gazette*, Part III, Extraordinary, dated the 13th May 1953]

West Bengal Act XVI of 1953

[*Passed by the West Bengal Legislature.*]

An Act to prohibit smoking in passenger vehicles.

WHEREAS it is expedient in the public interest to prohibit smoking in passenger vehicles ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Prohibition of Smoking in Passenger Vehicles Act, 1953.

(2) It extends to the whole of West Bengal

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definition.*—In this Act “passenger vehicle” means—

(i) a tram-car, or

(ii) a motor vehicle having seating capacity for more than six persons, excluding the driver, which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole or for a stage of a journey.

3. *Penalty for smoking in passenger vehicles.*—Whoever smokes in a passenger vehicle while such vehicle is carrying passengers shall be punishable with fine which for a first offence may extend to twenty rupees and for a second or subsequent offence to one hundred rupees.

4. *Power to arrest without warrant.*—(1) The conductor of a passenger vehicle in whose presence a person commits an offence punishable under section 3, may request such person to desist from smoking, and if such person fails to comply with the request he may stop the vehicle and call for a police-officer ; and the police-officer may arrest such person without warrant, if, when asked by the police-officer to give his name and address, such person—

(i) refuses to give his name and address ; or

(ii) gives a name or address which the police-officer suspects to be false and such person refuses to accompany the police-officer to a police-station on being required to do so by the police-officer.

(2) No suit, prosecution or proceeding shall lie against a conductor of a passenger vehicle or a police-officer for, anything done or any arrest made, in good faith under sub-section (1).

5. *Warning to be painted or affixed.*—(1) The proprietor of every passenger vehicle shall cause to be painted or affixed in one or more conspicuous positions in such vehicles a warning that any person smoking while such vehicle is carrying passengers is liable under the law to arrest without warrant and to fine.

(2) If the proprietor of a passenger vehicle fails to comply with the provisions of sub-section (1), within thirty days of the commencement of this Act, he shall be punishable with fine which may extend to twenty rupees.

The Bengal Highways (Amendment) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1260L. of the Legislative Department, dated the 3rd June 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 3rd June 1953.]

West Bengal Act XVII of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, Extraordinary, of the 3rd June, 1953.]

An Act to amend the Bengal Highways Act, 1925.

WHEREAS it is expedient to amend the Bengal Highways Act, 1925 (Ben. Act III of 1925), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :

1. *Short title.*—This Act may be called the Bengal Highways (Amendment) Act, 1953.

2. *Amendment of section 4 of Bengal Act III of 1925.*—In clause (ii) of sub-section (1) of section 4 of the Bengal Highways Act, 1925 (hereinafter referred to as the said Act), the words ‘ of obstruction and encroachments and ’ shall be omitted.

3. *Addition of new section.*—After section 5 of the said Act, the following section shall be added, namely :—

“6. *Penalties for encroachment or obstruction.*—(1) Any person who encroaches or creates any obstruction upon any Government road or causes such encroachment or obstruction, shall be punishable with fine which may extend to two hundred and fifty rupees and with a further fine not exceeding ten rupees for every day after the date of the conviction during which the encroachment or the obstruction continues. The Court may also direct at the time of the conviction that the encroachment or the obstruction shall be removed within a specified date by the person convicted

(2) If the encroachment or the obstruction is not removed within the specified date, the Court shall cause the encroachment or the obstruction to be removed, if necessary, by force. Any expense incurred in removing the encroachment or the obstruction shall, upon being authenticated by the Court, be recoverable from the person convicted as if it were a fine.”

The Bengal Public Demands Recovery (Second Amendment) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1486L. of the Legislative Department, dated the 19th June 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 19th June 1953.]

West Bengal Act XVIII of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 19th June, 1953.]

An Act to amend the Bengal Public Demands Recovery Act, 1913.

WHEREAS it is expedient to amend the Bengal Public Demands Recovery Act, 1913 (Ben. Act I. of 1913), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bengal Public Demands Recovery (Second Amendment) Act, 1953.

2. *Amendment of Schedule I to Bengal Act III of 1913.*—In Schedule I to the Bengal Public Demands Recovery Act, 1913.

(a) for Article 9A the following Article shall be substituted, namely:—

“9A. Any money payable to Government or to an officer of Government in repayment of a loan in cash or in kind, in respect of which money, the person to whom the loan in cash or in kind was advanced, has agreed by a written instrument that such money shall be recoverable as a public demand.”; and

(b) in Article 14, the words “, namely, the commissioners of a municipality or a district board” shall be omitted.

The Calcutta Municipal (Amendment) Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1598L., of the Legislative Department, dated the 6th July 1953, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 6th July 1953]

West Bengal Act XIX of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 6th July, 1953.]

An Act to amend the Calcutta Municipal Act, 1951.

WHEREAS it is expedient to amend the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. *Short title and commencement*—(1) This Act may be called the Calcutta Municipal (Amendment) Act, 1953.

(2) This section shall come into force at once; section 101 shall be deemed to be and to have always been in force as from (and inclusive of) the date of commencement of the Calcutta Municipal Act, 1951 (hereinafter referred to as the said Act); the remaining sections shall come into force on such date or dates as the State Government may appoint by notification in the *Official Gazette* and different dates may be appointed for different sections.

2. *Amendment of section 2 of West Bengal Act XXXIII of 1951*—In sub-section (2) of section 2 of the said Act, the word “previously” shall be omitted.

3. *Amendment of section 5.*—In section 5 of the said Act,—

(1) after clause (41), the following clause shall be inserted, namely:—

“(41a) “*Land or building*”.—the expression “land or building” includes a *bustee*”; ;

(2) in clause (60), for the words “or, if a street alignment has been fixed, then up to such alignment;” the following words shall be substituted, namely:—

“or, where a street alignment has been fixed, and the area within such alignment has been acquired by the Corporation, and the alignment has been demarcated or is capable of being demarcated, then up to such alignment;”;

(3) in clause (61), for the words “or tax” the words “, tax or license fee” shall be substituted.

4. *Amendment of section 7.*—In clause (a) of section 7 of the said Act, for the word “seventy-six” the word “eighty-one” shall be substituted, and for the word “seventy-five” the word “eighty” shall be substituted.

5. *Amendment of section 8.*—In section 8 of the said Act, for the word “seventy-five” the word “eighty” shall be substituted.

6. *Amendment of section 10.*—In sub-section (2) of section 10 of the said Act, for the words “at the meeting next after” the words “within

one month of" shall be substituted.

7. *Amendment of section 14.*—In section 14 of the said Act,—

- (1) the word "and" at the end of clause (vi) shall be omitted ;
- (2) after clause (vii), the following clauses shall be added, namely:—
 "(viii) Public Utilities and Markets, and
 (ix) Water-supply."

8. *Amendment of section 15.*—In section 15 of the said Act,—

(1) in sub-section (1), for the word "nine" the word "ten" shall be substituted ;

(2) after sub-section (3), the following sub-section shall be inserted, namely :—

"(3a) If a person associated with any Standing Committee under sub-section (2) fails to attend six consecutive meetings of such Committee without the leave of the Committee, his term of office as a person associated with such Committee shall cease."

9. *Amendment of section 17.*—In sub-section (2) of section 17 of the said Act, for the words "at the meeting next after" the words "within one month of" shall be substituted.

10. *Substitution of new section for section 30.*—For section 30 of the said Act, the following section shall be substituted, namely :—

"30. *Delegation of functions of the Corporation and of Standing Committees.*—The Corporation or a Standing Committee may, by resolution passed at a meeting of the Corporation or of the Standing Committee, as the case may be, delegate to the Commissioner any of its powers, duties or functions under this Act or any rule, by-law or regulation made thereunder."

11. *Amendment of section 34.*—In section 34 of the said Act,—

(1) for the words "any of his powers, duties or functions, except those" the words "any of his powers, duties or functions (including the powers, duties or functions delegated to him under section 30) but not those" shall be substituted ;

(2) for the words "section 188, sub-section (1), section 190, sub-section (2), section 279, section 311, section 312, section 313, section 314, section 374, section 414, section 415, section 416," the following words shall be substituted, namely :—

"section 188, sub-section (1), clauses (c) and (d), section 279, proviso, clause (a), section 279A, proviso, clause (b), section 414, sub-section (3)."

(3) in clause (b) of the proviso, after the words "make" the word "permanent" shall be inserted.

12. *Amendment of section 55.*—In sub-section (1) of section 55 of the said Act,—

(1) after the word "Alderman" the words "or for being a member of or being associated with any Standing Committee or other Committee or Sub-Committee" shall be inserted ;

(2) after clause (f), the following clause shall be inserted, namely :—
 "(ff) has, directly or indirectly, by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by, or on behalf of the Corporation ; or"

(3) in the marginal note, after the word "Alderman" the words "or member of, or person associated with, any Committee or Sub-Committee" shall be added.

13. *Amendment of section 59.*—In sub-section (6) of section 59 of the said Act,—

(1) after the words "result of the election" the words "under section 58 or under this section" shall be inserted ;

(2) after the words "name of the candidate elected" the words "in either case" shall be inserted.

14. *Amendment of section 67.*—In section 67 of the said Act, after the words "its computation" the words "and for the purpose of section 68, clause (b)," shall be inserted.

15. *Amendment of section 69.*—For sub-section (3) of section 69 of the said Act, the following sub-section shall be substituted, namely :—

"(3) The term of office of a Councillor or an Alderman elected under sub-section (1) shall, for the purpose of section 68, clause (b), be deemed to commence on the date of the first meeting of the Corporation after his election and every such Councillor or Alderman shall hold office for the residue of the term of office of the Councillors and Alderman of the Corporation referred to in section 67."

16. *Amendment of section 81.*—In section 81 of the said Act, to sub-section (4), the following proviso shall be added, namely :—

"Provided that when applications are invited under this sub-section, officers and servants of the Corporation possessing the requisite qualifications shall be entitled to apply."

17. *Amendment of section 82.*—In sub-section (2) of section 82 of the said Act,—

(1) in clause (a), after the word "office" the words ", salaries and allowances, if any," shall be inserted ;

(2) in clause (c), after the word "their" the words "salaries, allowances (if any), and" shall be inserted.

18. *Amendment of section 83.*—In section 83 of the said Act,—

(1) for the words "The members" the words "The salaries and allowances, if any, of the members" shall be substituted ;

(2) the words "such salaries and allowances as the Corporation may prescribe by rules made in this behalf" shall be omitted.

19. *Amendment of section 90.*—In section 90 of the said Act,—

(1) for the word "posted" the word "sent" shall be substituted ;

(2) in the proviso, the words "going beyond the matters mentioned in the notice given of such meeting" shall be omitted.

20. *Amendment of section 98.*—In sub-section (1) of section 98 of the said Act, the words "and which is not at the time under consideration by a Standing Committee" shall be omitted.

21. *Amendment of section 109.*—In clause (a) of sub-section (1) of section 109 of the said Act for the words "Committee who" the words "Committee concerned which" shall be substituted.

22. *Amendment of section 110.*—In section 110 of the said Act,—

(1) before sub-section (1), the following sub-section shall be inserted, namely :—

"(a1) Subject to the provisions of this Act, the Corporation may enter into and perform all such contracts as it may consider necessary or expedient under or for any purpose of this Act." ;

(2) in sub-section (1),—

(a) for the words "making of contracts under or for any purpose of this Act," the words "making of contracts referred to in sub-section (a1)" shall be substituted,

(b) in clause (c), for the word "five" the word "ten" shall be substituted, and

(c) in clause (e), for the word "five" the word "ten" shall be substituted.

23. *Amendment of section 111.*—In the proviso to sub-section (1) of

section 111 of the said Act, for the words "one thousand" the words "two thousand and five hundred" shall be substituted.

24. *Amendment of section 127.*—In sub-section (4) of section 127 of the said Act, after clause (a), the following clause shall be inserted, namely :—

"(aa) make adequate provision for depreciation of machinery belonging to the Corporation, as far as may be possible,".

25. *Amendment of section 131.*—In clause (i) of sub-section (2) of section 131 of the said Act, after the words "other than" the word "that" shall be inserted.

26. *Amendment of section 160.*—In clause (b) of sub-section (1) of section 160 of the said Act, for the words "may appeal" the word " , appeal" shall be substituted

27. *Amendment of section 161.*—In section 161 of the said Act, for the words "three months" the words "three months or such longer period as the State Government may allow," shall be substituted.

28. *Amendment of section 168.*—In sub-section (4) of section 168 of the said Act,—

(1) in clause (i), the words "not exceeding" shall be omitted ;

(2) to clause (ii), the following proviso shall be added, namely :—

"Provided as follows :—

(a) If any dispute arises as to whether any parts of or a combination of, a plant or machinery should be included in calculating the value of any land or building as coming within the enumeration in Schedule X, the Commissioner may, of his own motion or at the request of the owner or the occupier of such land or building, refer the dispute to a referee named in a panel of referees appointed by the State Government.

(b) The referee shall thereupon decide the dispute after giving the Corporation, the owner and the occupier an opportunity of being heard, and after considering the facts and circumstances of the case, and, if necessary, after inspection of the plant or machinery.

(c) The decision of the referee shall be final and conclusive.

(d) The costs of such reference shall be borne by the Corporation, the owner and the occupier of the land or building in such proportion as the referee may direct ;"

29. *Amendment section 169.*—In section 169 of the said Act, for the words "from the date of the acquisition in each succeeding quarter" the words "from the commencement of the quarter following the date on which the acquisition is made," shall be substituted.

30. *Amendment of section 172.*—In section 172 of the said Act,—

(1) in sub-section (3),—

(a) in clauses (b), (c), (d) and (e), the words "in accordance with such rules as may be made by the Standing Finance Committee" shall be omitted,

(b) in clause (c), for the words "such building" the words "the entire premises" shall be substituted,

(c) in clause (f),—

(i) for the words "building or land", in the two places where they occur, the words "land or building" shall be substituted,

(ii) for the words "under the Calcutta Improvement Act, 1911" the words "for the purposes of the Calcutta Improvement Act, 1911" shall be substituted,

(iii) for the words "divide the assessment" the words "divide the valuation" shall be substituted,

(iv) for sub-clause (i), the following sub-clause shall be substituted, namely :—

“(i) the Commissioner shall determine what part of the valuation of such land or building shall be apportioned to the residue of the land or building not so acquired, and the valuation so apportioned shall, from the date of acquisition until the expiration of the aforementioned period, be deemed to be the valuation of such residue of the land or building :”, and

(v) in sub-clause (ii), after the words “shall have effect from” the words “the commencement of the quarter following” shall be inserted, and

(d) in clause (h), for the words “to the total assessment” the words “the valuation” shall be substituted ;

(2) in sub-section (4), the following shall be added at the end, namely :—

“The valuation made under clause (b) of sub section (3) in respect of any land or building which for any reason had no value assigned to it and the re-valuation of any premises or building under clause (c) or clause (e) of the said sub-section shall take effect from the commencement of the quarter following the date on which a notice under section 180 is given by the Commissioner.” ;

(3) for the marginal note, the following marginal note shall be substituted, namely :—

“Determination of annual value and duration of valuation.”

31 Amendment of section 174.—In section 174 of the said Act,—

(1) for the words “assess” and “assessment”, wherever they occur, the words “value” and “valuation” respectively shall be substituted ;

(2) in the marginal note, for the word “Assessment” the word “Valuation” shall be substituted.

32. Amendment of section 175 —In section 175 of the said Act,—

(1) for the words “assess”, “assessment” and “assessments”, wherever they occur, the words “value”, “valuation” and “valuations” respectively shall be substituted ;

(2) in the marginal note, for the word “Assessment” the word “Valuation” shall be substituted.

33. Amendment of section 176.—In section 176 of the said Act,—

(1) for the word “assess” the word “value” shall be substituted ;

(2) in the marginal note, for the word “assess” the word “value” shall substituted.

34. Amendment of section 180.—In section 180 of the said Act, the word “, bustee”, in the two places where it occurs, shall be omitted.

35. Amendment of section 182 —In sub-section (3) of section 182 of the said Act, for the words “shall be sent by registered post within seven days from the date thereof to every owner and occupier of the land or building who is affected by it”, the following shall be substituted, namely :—

“together with a copy of the reasons for the order shall be sent by registered post to the person who gave the notice of objection under sub-section (1) of section 181, within a fortnight from the date of the order and shall also be supplied, on application made in this behalf accompanied by a fee of one rupee, to every owner or occupier of the land or building, who is affected by the order”.

36. Substitution of new section for section 188.—For section 188 of the said Act, the following section shall be substituted, namely :—

“188. *Power of Commissioner to amend the assessment book.*—(1) Notwithstanding anything contained in section 184, the Commissioner may

at any time amend the assessment-book for reasons to be recorded in writing—

(a) by inserting therein the name of any person whose name ought, in his opinion, to be inserted, or by striking out the name of any person whose name ought, in his opinion, to be struck out ;

(b) by inserting the description and particulars of any land or building which, in his opinion, is liable to the consolidated rate, together with the valuation thereof, or by striking out the description and particulars of any land or building which, in his opinion, is not so liable ;

(c) by reducing the amount of any valuation ; or

(d) by increasing the valuation of any land or building which, in his opinion, has been substantially undervalued at the time of the last general valuation by reason of fraud, misrepresentation, mistake or error :

Provided that—

(i) not less than fifteen days' notice shall be given to every owner or occupier of the land or building or other person interested therein, of the day on which any amendment of the assessment book is intended to be made under this sub-section ;

(ii) no valuation shall be increased under clause (d), if such valuation has been determined on appeal under the provisions of section 183.

(2) Any person on whom a notice of an amendment is served under clause (i) of the proviso to sub-section (1), may file a written objection to the Commissioner at least three clear days before the date fixed in the said notice for the making of the amendment ; and the provisions of sections 181 to 184 shall, with necessary modifications, apply to such objection."

37. Amendment of section 189.—In section 189 of the said Act, for the words "an appeal is preferred" the words "on appeal" shall be substituted.

38. Amendment of section 195.—In section 195 of the said Act, for the words "he did not occupy such land or building" the words "such land or building remained unoccupied" shall be substituted.

39. Amendment of section 218.—In section 218 of the said Act,—

(1) in the second proviso to sub-section (1), the words "with the approval of the Standing Finance Committee" shall be omitted ;

(2) after sub-section (1) the following sub-section shall be inserted, namely :—

"(1a) A statement reporting therein every remission or refund granted under sub-section (1) shall be submitted quarterly by the Commissioner to the Standing Finance Committee."

40. Amendment of section 219.—In section 219 of the said Act, after the word "carried", occurring at the end, the word "on" shall be added.

41. Amendment of section 222.—In the second proviso to section 222 of the said Act, the words "with the approval of the Standing Finance Committee" shall be omitted.

42. Amendment of section 225.—In section 225 of the said Act,—

(1) in sub-section (1),—

(a) at the end of clause (a), the word "and" shall be omitted, and

(b) for clause (b), the following clauses shall be substituted, namely:—

"(b) rupees eighteen, if the cart is fitted with solid rubber tyres, and

(c) rupees forty, if the cart is not fitted with pneumatic tyres or with solid rubber tyres ;"

(2) in sub-section (2), the words "with the previous approval of the Standing Finance Committee," shall be omitted ;

(3) to sub-section (2), the following proviso shall be added, namely:—

"Provided that the Commissioner shall submit quarterly to the Standing Finance Committee a statement reporting therein every remission granted by him under this sub-section."

43. *Amendment of section 233.*—In clauses (b) and (c) of section 23 of the said Act, after the word "trade" the word " , profession" shall be inserted.

44. *Amendment of section 235.*—To section 235 of the said Act, the following *Explanation* shall be added, namely :—

Explanation.—A bill shall be deemed to be presented under this section if it is sent by post under certificate of posting to the person liable, and in such case, the date borne on such certificate of posting shall be deemed to be the date of presentation of the bill to the person liable."

45. *Amendment of section 236.*—In section 236 of the said Act,—

(1) in sub-section (3), for the words "four and eleven-sixteenths *per cent. per annum*" the words "one pie per rupee *per mensem*" shall be substituted ;

(2) to sub-section (3), the following *Explanation* shall be added, namely :—

Explanation.—In calculating the interest payable under this sub-section, a fraction of a rupee in the amount of the bill on which interest is to be calculated shall,—

(a) where it is less than eight annas, be left out of account, and

(b) where it is not less than eight annas, be taken as one rupee."

46. *Amendment of section 246.*—In section 246 of the said Act,—

(1) in sub-section (1),—

(a) the words "or *bustee*" shall be omitted, and

(b) for the words "in such *bustee* for the time being thereof" the words "thereon for the time being" shall be substituted ;

(2) in sub-section (3), the words "in the *bustee*" shall be omitted ;

(3) in sub-section (4), the words "or *bustee*" shall be omitted.

47. *Amendment of section 247.*—In clauses (a) and (b) of section 247 of the said Act, the words "or *bustee*" shall be omitted.

48. *Amendment of section 253.*—In section 253 of the said Act,—

(1) the words "or *bustee*", wherever they occur, shall be omitted ;

(2) for the words "shall, subject to the prior payment" the words " , together with interest thereon, if any, payable under section 236, sub-section (3), shall, subject to the prior payment" shall be substituted.

49. *Amendment of section 264.*—In the proviso to sub-section (2) of section 264 of the said Act,—

(1) after the words "is so di. continued" the words "or where unfiltered water is not supplied at all" shall be inserted ;

(2) in clause (b), for the words "the unfiltered water discontinued as aforesaid" the words "unfiltered water" shall be substituted.

50. *Amendment of section 272.*—To section 272 of the said Act, the following proviso shall be added, namely :—

"Provided that no supply of filtered water shall be made under this section for any purpose for which a license is required under this Act, unless and until such license is produced."

51. *Amendment of section 274.*—In clause (b) of the proviso to section 274 of the said Act,—

(1) for the words "if, under the provisions of this Chapter" the words "where, under the provisions of this Chapter," shall be substituted ;

(2) after the word "water-supply" the words "or where unfiltered water is not supplied at all" shall be inserted.

52. *Amendment of section 279.*—In clause (b) of the proviso to section 279, after the words “works executed” the words “by the owner” shall be inserted.

53. *Insertion of new section 279A.*—After section 279 of the said Act, the following section shall be inserted, namely :—

“279A. *Power to direct owner to lay down pipes, hydrants, etc., in certain cases.*—When in any case not provided for in section 279, any premises are, in the opinion of the Commissioner, without a sufficient supply of water, he may, by written notice, require the owner of such premises to obtain such supply and for that purpose to lay down such pipes, hydrants, stand-posts and other fittings and execute such other works as the Commissioner may decide :

Provided that—

(a) the cost of executing the said works beyond two hundred feet from the premises shall be paid out of the Municipal Fund ;

(b) if the Commissioner is satisfied that the owner is unable to bear the cost of even such portion of the said works as is within two hundred feet of the premises or of any part of it, the Corporation may pay the whole or any part of such cost from the Municipal Fund ;

(c) if any premises in respect of which a notice is issued under this section are occupied by a person other than the owner, the occupier shall be bound, if the Corporation so directs, to make to the owner, in respect of all works executed by the owner in pursuance of such notice, the payments prescribed by clause (a) or clauses (a) and (b), as the case may be, of section 276, sub-section (2).”

54. *Amendment of section 281.*—In section 281 of the said Act, after sub-section (3), the following sub-section shall be added, namely :—

“(4) Notwithstanding anything contained in the preceding sub-sections or elsewhere in this Act, the Commissioner, on receipt of information that filtered or unfiltered water is being used for purposes other than those mentioned in sub-section (1), may, without prejudice to any other action which he may be entitled to take under this Act, levy charges for such consumption of water at such rate as may be prescribed by the Corporation by rules and with effect from such date as the Commissioner may decide :

Provided that no such charges shall be levied under this sub-section unless the person from whom the charges are to be levied has been given an opportunity of being heard.”

55. *Amendment of section 298.*—In clause (g) of sub-section (1) of section 298 of the said Act, after the word “health” the following words shall be added, namely :—

“(hereinafter referred to as the Standing Health Committee)”.

56. *Amendment of section 305.*—In clause (c) of sub-section (1) of section 305 of the said Act, for the word “distribution” the word “discharge” shall be substituted.

57. *Amendment of section 306.*—In sub-section (2) of section 306 of the said Act, after the word “street”, occurring for the first time, the words “be constructed” shall be inserted.

58. *Amendment of section 312.*—In sub-section (1) of section 312 of the said Act, for the words “one hundred feet” the words “two hundred feet” shall be substituted.

59. *Amendment of section 314.*—In clause (a) of the proviso to section 314 of the said Act, the words one-half of the cost of constructing the portion of the house-drain beyond one hundred feet and up to two hundred feet from the premises and” shall be omitted.

60. *Amendment of section 324.*—In section 324 of the said Act, for the words “one month” the words “ninety days” shall be substituted.

61. *Amendment of section 334.*—In section 334 of the said Act,—

(1) in sub-section (2),—

(a) for the words “to provide” the words “to submit a scheme ensuring” shall be substituted,

(b) after the words “privies and urinals” the words “and to have the scheme approved by the Commissioner” shall be inserted, and

(c) for the words “no such permission shall be issued before such arrangements are completed” the words “no septic tanks or sanitary privies or urinals constructed under this section shall be used unless such scheme is executed” shall be substituted ;

(2) in sub-section (3), after the words “are constructed” the words “and lawfully used” shall be inserted.

62. *Amendment of section 353.*—In sub-section (1) of section 353 of the said Act, for the words “or other similar” the words “, building or other” shall be substituted.

63. *Amendment of section 357.*—In sub-section (1) of section 357 of the said Act,—

(1) after the figures “1923,” the words “or the Calcutta Municipal Act, 1899,” shall be inserted ;

(2) for the word “within” the words “on the expiry of” shall be substituted.

64. *Substitution of new section for section 358.*—For section 358 of the said Act, the following section shall be substituted, namely :—

“358. *Restrictions on erection of, or addition to, any building or boundary wall within street alignment and building line.*—(1) No person shall erect or add to—

(a) any building or part of a building or any boundary wall or part of a boundary wall within a street alignment ; or

(b) any building or part of a building between a street alignment and a building line.

(2) Notwithstanding anything contained in sub-section (1), the Corporation may allow footing encroachments—

(a) within a street alignment, or

(b) between a street alignment and a building line :

Provided that in cases coming under clause (a), on footing encroachment shall be allowed except on payment of such fee as may be prescribed by the Corporation by rules.”

65. *Amendment of section 361.*—To section 361 of the said Act, the following proviso shall be added, namely :—

“Provided that no public square or garden or part thereof shall be permanently closed except in accordance with a resolution carried at a meeting of the Corporation by a majority of not less than two-thirds of the total number of Councillors and Aldermen of the Corporation.”

66. *Amendment of section 364.*—In section 364 of the said Act, for the words “and 358” the words “, 358 and 359” shall be substituted.

67. *Amendment of section 367.*—In section 367 of the said Act,—

(1) for the word “land”, wherever it occurs, the words “land or building” shall be substituted ;

(2) in the proviso to sub-section (2), the words “deemed to be” shall be omitted ;

(3) in sub-section (3), for the words “such period as the Corporation may request” the words “a period not exceeding twelve months” shall be substituted.

68. *Amendment of section 368.*—In section 368 of the said Act, for the word “land”, in the two places where it occurs, the words “land or building” shall be substituted ;

69. *Amendment of section 369.*—In section 369 of the said Act, for the word “land”, in the two places where it occurs, the words “land or building” shall be substituted.

70. *Amendment of section 414.*—In sub-section (3) of section 414 of the said Act, the words “with the approval of the Standing Buildings Committee and” shall be omitted.

71. *Amendment of section 415.*—In sub-section (1) of section 415 of the said Act, the words “, with the previous approval of the Standing Buildings Committee,” shall be omitted.

72. *Amendment of section 424.*—In section 424 of the said Act,—

(1) in sub-sections (1), (2) and (3), for the words “The Corporation may” the words “The Commissioner may” shall be substituted ;

(2) in sub-section (4), for the words “the Corporation shall” the words “the Commissioner shall” shall be substituted.

73. *Amendment of section 432.*—In sub-section (1) of section 432 of the said Act, for the words “Standing Committee dealing with health (hereinafter referred to as the Standing Health Committee)” the words “Standing Health Committee” shall be substituted.

74. *Amendment of section 437.*—In sub-section (1) of section 437 of the said Act, after the word “permit” the words “or suffer” shall be inserted.

75. *Amendment of section 438.*—In section 438 of the said Act,—

(1) in sub-section (1),—

(a) for the words “removing them” the words “of removing them as aforesaid or of maintaining them” shall be substituted, and

(b) in the proviso, for the words “or removing” the words “, removing or maintaining them” shall be substituted ;

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) The proceeds of the sale by auction of any animal or bird under sub-section (1) shall be applied in defraying the expenses incurred on account of the seizure, impounding or removal, and maintenance of the animal or bird and also of holding the sale ; and the surplus, if any, shall be held in deposit by the Commissioner, and, if not claimed by the owner of the animal or bird within a period of ninety days from the date of the sale, shall be paid to the credit of the Municipal Fund.”.

76. *Amendment of section 444.*—In section 444 of the said Act,—

(1) for the words “he may stop” the words “he may, by order, stop” shall be substituted ;

(2) after the words “reasons of such opinion” the following proviso shall be added, namely :—

“Provided that no such order shall be made until the licensee or other person so keeping the premises open has been given an opportunity of being heard.”.

77. *Amendment of section 451.*—In sub-section (5) of section 451 of the said Act, for the words “to keep open” the words “in respect of” shall be substituted.

78. *Amendment of section 452.*—In section 452 of the said Act,—

(1) after the words “permitting any place to be used as a private market” the words “or using any place as a slaughter-house or stockyard” shall be inserted ;

(2) for the words "such market" the words "such market, slaughter-house or stockyard" shall be substituted ;

(3) after the words "used as a market" at the end, the words "or slaughter-house or stockyard" shall be added ,

(4) in the marginal note, after the word "market" the words " , slaughter-house or stockyard" shall be added.

79. *Amendment of section 458.*—In section 453 of the said Act,—

(1) after the word "market" the words "or slaughter-house or stockyard" shall be inserted ;

(2) in the marginal note after the word "market" the words " , slaughter-house or stockyard" shall be inserted.

80. *Amendment of section 460.*—In section 460 of the said Act,—

(1) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1A) If the Commissioner is of the opinion that in any place the trade or business of a butcher is being carried on, or that in any place other than a municipal market or a private market, any animal or any meat or fish intended for human consumption is being sold or exposed or hawked about for sale, without or otherwise than in conformity with the terms of a license granted therefor, he may, by order, stop the use of such place for any such purpose after recording the reasons for such opinion :

Provided that no such order shall be made until the licensee or other person has been given an opportunity of being heard.

(1B) No person shall sell or expose or hawk about for sale any meat obtained from an animal unless the skinned carcass of the animal is stamped in such manner as the Commissioner may, by general orders made in this behalf, require in token of the fact that the animal has been slaughtered in a municipal or a licensed slaughter-house." ;

(2) in sub-section (2), after the words "sub-section (1)" the words "or sub-section (1B)" shall be inserted.

81. *Amendment of section 461.*—In section 461 of the said Act,—

(1) in sub-section (1), for the words "store for sale" the words "store for the preparation of any food or drug or for sale" shall be substituted ;

(2) in sub-section (2),—

(a) for the words "exposed, hawked about" the words "exposed or hawked about" shall be substituted, and

(b) for the words "stored for sale" the words "stored for the preparation of any food or drug or for sale" shall be substituted ;

(3) in sub-section (3), for the words "stored for sale" the words "stored for the preparation of any food or drug or for sale" shall be substituted.

82. *Amendment of section 468.*—In sub-section (1) of section 468 of the said Act,—

(1) after the words "No person shall" the words " , directly or indirectly, himself or by any other person on his behalf," shall be inserted;

(2) for the words "unfit for human food" the words "unfit for human consumption" shall be substituted.

83. *Amendment of section 469.*—In sub-section (1) of section 469 of the said Act, for the words "without a license from" the words "without or otherwise than in conformity with the terms of a license granted by" shall be substituted.

84. *Amendment of section 474.*—In section 474 of the said Act,—

(1) in sub-section (1), after the words "by day or by night," the words "without notice," shall be inserted ;

(2) in sub-section (2),—

(a) for the words "human food", in the first two places where they occur, the words "human consumption" shall be substituted,

(b) after the word "vessel" in the second place where it occurs, the words "together with any article or substance capable of being used for the adulteration of any food or drug which may be found in course of the inspection" shall be inserted, and

(a) for clause (i) of the *Explanation* the following clauses shall be substituted, namely :—

"(i) Meat subjected to the process of blowing or which bears no stamp, mark or seal of a municipal slaughter-house or which is not supported by a receipt granted by the Corporation, shall be deemed to be unfit for human consumption.

(ia) Cut fruits or prepared fruit articles or any other prepared food or drink, hawked about or exposed for sale, except in closed containers, shall be deemed to be unfit for human consumption." ;

(3) in sub-section (3), for the words "or vessel", in the two places where they occur, the words "vessel, article or substance" shall be substituted.

85. Amendment of section 475—In sub-sections (1) and (2) of section 475 of the said Act, for the words "or vessel" the words "vessel, article or substance" shall be substituted.

86. Amendment of section 476.—In section 476 of the said Act,—

(1) in sub-section (1), for the words "or vessel" the words "vessel, article or substance" shall be substituted ;

(2) in sub-section (2),—

(a) for the words "unfit for human food" the words "unfit for human consumption" shall be substituted,

(b) after the words "containing such food or drug" the words "or that any such article or substance is likely to be used for the adulteration of any food or drug" shall be inserted, and

(c) after the words "containing any food or drug," the words "or for the adulteration of any food or drug," shall be inserted ;

(3) in sub-section (3),—

(a) after the words "containing the same" the words "or that any such article or substance is not likely to be used for the adulteration of any food or drug" shall be inserted, and

(b) for the words "or vessel was taken" the words "vessel, article or substance was taken" shall be substituted.

87. Amendment of section 479.—In sub-section (4) of section 479 of the said Act, after the word "divide" the words "or cause to be divided" shall be inserted.

88. Amendment of section 503.—In section 503 of the said Act,—

(1) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Corporation shall, for the purposes of this Chapter, appoint a person to be a Registrar of Births and Deaths for each borough, and may appoint the same person to be such Registrar for more than one borough." ;

(2) in the proviso to sub-section (4), for the word "Corporation" the word "Commissioner" shall be substituted.

89. Amendment of section 521.—In section 521 of the said Act,—

(1) for the words "land or buildings", wherever they occur, the words "land or building" shall be substituted ;

(2) in clause (iii), for the words "outside Calcutta" the words "within or outside Calcutta" shall be substituted.

90. *Amendment of section 522.*—In section 522 of the said Act, for the word "land", wherever it occurs, the words "land or building" shall be substituted.

91. *Amendment of section 524.*—In section 524 of the said Act, for the words "Any land or buildings" the words "Any land or building" shall be substituted.

92. *Amendment of section 525.*—In section 525 of the said Act, for the words "land or buildings", in the two places where they occur, the words "land or building" shall be substituted.

93. *Amendment of section 526.*—In section 526 of the said Act,—

(1) in clause (vi), after the word "hospitals," the words "dispensaries, sanatoriums," shall be inserted ;

(2) in clause (vii),—

(a) after the words "the cost of such" the words "hospitals, dispensaries, sanatoriums, infirmaries, alms-houses, asylums," shall be inserted, and

(b) the words "and the other institutions referred to in clause (vi)" shall be omitted ;

(3) in clause (xviii), after the words "addresses to" the words "or holding of civic receptions or other functions in honour of" shall be inserted.

94. *Amendment of section 527.*—In clause (50) of section 527 of the said Act, after the words "any market" the words "or in any shop or other place where any article is sold" shall be inserted.

95. *Amendment of section 537.*—In the table appended to section 537 of the said Act,—

(1) after the entry "Section 333, sub-section (2)" in column 1 and the corresponding entries in columns 2, 3 and 4, the following entries shall be inserted in columns 1, 2, 3 and 4 respectively, namely :—

"Section 334, sub-section (2).	Unlawful use of	Two hundred	Twenty rupees."
	septic tanks,	rupees.	
	sanitary privies or urinals.		

(2) in the entry "Section 358, sub-section (1)" in column 1, the words "sub-section (1)" shall be omitted, and to the entry in column 2 against the said entry in column 1, the words "or between a street alignment and a building line" shall be added ;

(3) the entry "Section 358, sub-section (2)" in column 1 and the corresponding entries in columns 2, 3 and 4 shall be omitted ;

(4) in the entry in column 2 against the entry "Section 453" in column 1, after the word "market" the words "or slaughter-house or stockyard" shall be inserted ;

(5) after the entry "Section 460, sub-section (1)" in column 1 and the corresponding entries in columns 2, 3 and 4, the following entries shall be inserted in columns 1, 2, 3 and 4, respectively, namely :—

"Section 460, sub-section (1B).	Sale of unstamped meat.	Five hundred	Fifty rupees."
	rupees.		

(6) in the entry in column 2 against the entry "Section 468, sub-section (1)" in column 1, for the words "human food" the words "human consumption" shall be substituted ;

(7) in the entry in column 2 against the entry "Section 488" in column 1, for the word "Information" the words "Failure to give information" shall be substituted ;

(8) after the entry "Section 488" in column 1 and the corresponding entries in columns 2 and 3, the following entries shall be inserted in columns 1, 2 and 3 respectively, namely :—

"Section 490.	Failure of medical practitioner to give information of existence of dangerous disease.	One hundred rupees."
---------------	--	----------------------

96. *Insertion of new section 547A.*—In Chapter XXXV of the said Act, after section 547, the following section shall be added, namely :—

"547A. *Punishment of imprisonment in default of payment of fine.*—In every case of an offence punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to pay a fine, it shall be competent to the Court to direct that in default of payment of the fine the offender shall suffer imprisonment for such term or further term not exceeding six months as may be fixed by the Court."

97. *Amendment of section 552.*—In sub-section (1) of section 522 of the said Act, after the word "notice," the words "notice of demand," shall be substituted.

98. *Amendment of section 553.*—In section 553 of the said Act, after the word "notices," the words "notices of demand," shall be inserted.

99. *Amendment of section 554.*—In section 554 of the said Act, after the words "When any notice," the words "notice of demand," shall be inserted.

100. *Amendment of section 555.*—In section 555 of the said Act, after the words "When any notice," the words "notice of demand," shall be inserted.

101. *Insertion of new section 608A.*—After section 608 of the said Act, the following section shall be inserted, namely :—

"608A. *Savings as to certain suits and proceedings.*—(1) A suit or legal proceeding instituted, or which might, but for the passing of this Act, have been instituted by or against the Corporation or the Chief Executive Officer under the Calcutta Municipal Act, 1923 (Ben. Act III of 1923), may be continued or instituted by the Corporation as constituted under this Act.

(2) For the purposes of such suit or legal proceeding and of all matters incidental thereto, the powers and duties of the Corporation and of the Chief Executive Officer under the Calcutta Municipal Act, 1923, shall vest in the Corporation and the Commissioner constituted and appointed respectively under this Act and when any action has been taken under the Calcutta Municipal Act, 1923, such action shall be deemed to have been taken by the corresponding authority under this Act, and the corresponding provisions of this Act shall be deemed to have been complied with.

(3) Save as provided in sub-section (2), the procedure prescribed by this Act shall be followed in all proceedings relating to a contravention of the provisions of the Calcutta Municipal Act, 1923."

102. *Amendment of Schedule V.*—To Schedule V of the said Act the following entries shall be added, namely :—

"76. An imaginary line in continuation of the southern edge of Tiljala Masjid-bari Lane from the Eastern Railway to the junction of Tiljala Road and	Rajdanga Road, Kasba Road; N. C. Chowdhury Road; Baikuntha Ghose Road.	Western boundary of Boichhola Union Board; Eastern Railway.	Hughes Road; Kushthia Road;
--	--	---	-----------------------------

- Tiljala Masjidbari Lane ;
Tiljala Masjidbari Lane ;
Topsia Road South ; Topsia Road North ; Tangra Road South ; Private Road running east to west near the Chinese Club ; Southern boundary of Boinchola Union Board
77. Eastern Railway (Budge Budge Branch) ; Baikuntha Ghose Road ; N. C. Chowdhury Road ; Kasba Road ; Southern boundary of Haltoo Union Board. Sharat Ghose Garden Road ; Northern boundary of Haltoo Union Board ; Garfa Road ; Jadabpur Station Road ; Jadabpur Central Road ; Prince Golam Hosain Shah Road. Kasba Road ; K. P. Roy Road ; Western boundary of Haltoo Union Board ; Jheel Road. Prince Golam Md. Shah Road ; Gobindapur Road.
78. Eastern Railway (Budge Budge Branch) ; Tollygunge Circular Road. Graham Road ; Netaji Subhas Chandra Bose Road ; Bosepara Road. Gobindapur Road ; Prince Golam Md. Shah Road ; Baburam Ghose Road. Tolly's Nullah and Russa Road South.
79. Bosepara Road ; Netaji Subhas Chandra Bose Road ; Graham Road ; Minapara Road. Tolly's Nullah ; Netaji Subhas Chandra Bose Road. Minapara Road ; Raipur Road ; West ; New Road from Netaji Subhas Chandra Bose Road to Tolly's Nullah. Baburam Ghose Road.
80. Netaji Subhas Chandra Bose Road ; Prince Golam Hosain Shah Road ; Jadabpur Central Road. Tolly's Nullah ; Minapara Road. Lady Willingdon Road. New Road from Tolly's Nullah to Netaji Subhas Chandra Bose Road ; Raipur Road West ; Minapara Road ; Prince Golam Md. Shah Road."

103. *First election of Councillors from newly created wards.*—For the avoidance of doubt it is hereby declared that the first elections of Councillors held after the commencement of sections 4, 5 and 102 by the constituencies constituted by wards bearing numbers 76, 77, 78, 79 and 80 in Schedule V to the said Act as amended by this Act shall be elections to fill vacancies in the seats of such Councillors under sub-section (1) of section 68 of the said Act.

Published in the *Calcutta Gazette*, Extraordinary, Part III. A, dated the 20th May 1953.

The Bengal Municipal (Amendment) Ordinance, 1953.
West Bengal Ordinance No. III of 1953.

WHEREAS it is expedient to amend the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), for the purpose and in the manner hereinafter appearing ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bengal Municipal (Amendment) Ordinance, 1953.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Amendment of section 16 of Ben. Act XV of 1932.*—In section 16 of the Bengal Municipal Act, 1932, after the existing proviso, the following proviso shall be added, namely :—

“Provided further that the State Government may, by notification, extend the period referred to in the foregoing proviso by a further period not exceeding one year beyond the period of two years referred to in that proviso, if in special circumstances (to be specified in the notification) the State Government thinks fit so to do.”

H. C. MOOKERJEE,
Governor of West Bengal.

The 17th May, 1953.

Published in *Calcutta Gazette*, Extraordinary, Pt. III-A, dated July 14, 1953.

The Calcutta University (Amendment) Ordinance, 1953.

West Bengal Ordinance No. IV of 1953

WHEREAS it is expedient to amend the Calcutta University Act, 1951 (West Ben. Act XVIII of 1951), for the purposes and in the manner hereinafter appearing ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Calcutta University (Amendment) Ordinance, 1953.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Interpretation.*—Expressions used in this Ordinance have the same meaning as in the Calcutta University Act, 1951 (hereinafter referred to as the said Act).

3. *Amendment of section 16 of West Bengal Act XVIII of 1951.*—In sub-section (1) of section 16 of the said Act,—

(a) to clause (xxiv), the following proviso shall be added and shall be deemed always to have been added, namely :—

“Provided that for the purpose of such election an Affiliated College situated within Tripura shall be deemed to be a College situated within the Presidency Division of West Bengal ;” ;

(b) to clause (xxv), the following proviso shall be added and shall be deemed always to have been added, namely :—

“Provided that for the purpose of such election an Affiliated College situated in Chandernagore shall be deemed to be a College situated in the Burdwan Division of West Bengal.”

4. *Amendment of section 52*—For sub-section (6) of section 52, the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

“(6) On and from the appointed day, Act II of 1857, and the Indian Universities Act, 1904 (VIII of 1904), so far as it applies to West Bengal, shall stand repealed :

Provided that until such repeal references to the Vice-Chancellor under the said Acts shall be deemed to be references to the first Vice-Chancellor :

Provided further that such repeal shall not affect the affiliation of Colleges situated outside West Bengal which are already affiliated to the University of Calcutta under the provisions of the Indian Universities Act, 1904."

The 11th July, 1953.

H. C. MOOKERJEE,
Governor of West Bengal.

The City Sessions Court Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1951L., of the Legislative Department, dated the 1st September 1953, published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated the 1st September 1953.]

West Bengal Act XX of 1953

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 1st September, 1953.]

An Act to establish a Court of Session for the Presidency-town of Calcutta.

WHEREAS it is expedient to establish a Court of Session for the Presidency-town of Calcutta ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the City Sessions Court Act, 1953.

(2) It shall come into force on the same date on which the City Civil Court Act, 1953, comes into force.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(1) "Chief Judge" means the Chief Judge of the City Sessions Court, appointed under sub-section (1) of section 4 :

(2) "City Civil Court" means the Court established under section 3 of the City Civil Court Act, 1953 ;

(3) "City Sessions Court" means the Court established under section 3 ;

(4) "High Court" means the High Court at Calcutta ;

(5) "non-scheduled offence" means an offence not specified in the First Schedule ;

(6) "scheduled offence" means an offence specified in the First Schedule ;

(7) "the Code" means the Code of Criminal Procedure, 1898 (Act V of 1898).

3. *Establishment of City Sessions Court.*—(1) The State Government may, by notification in the *Official Gazette*, establish for the Presidency-town of Calcutta a Court of Session to be called the City Sessions Court.

(2) The City Sessions Court shall be deemed to be a Court subordinate to and subject to the superintendence of the High Court within the meaning of the Letters Patent for the High Court and of the Code.

4. *Appointment of Judges.*—(1) There shall be appointed a Chief Judge of the City Sessions Court and as many other Judges of that Court as the State Government thinks fit.

(2) The Chief Judge of the City Civil Court and the other Judges of that Court may be appointed in addition to their duties in that Court as the Chief Judge and the other Judges of the City Sessions Court.

5. *City Sessions Court to be a Court of Session and the Code to apply to such Court.*—For the purposes of the Code, the Presidency-town of

Calcutta shall be deemed to be a sessions division and a district, the City Sessions Court shall be deemed to be a Court of Session established for such sessions division, and the Chief Judge and the other Judges of the City Sessions Court shall be deemed respectively to be the Sessions Judge and the Additional Sessions Judges appointed for such Court of Session ; and save as otherwise provided in this Act all the provisions of the Code shall apply accordingly.

6. *City Sessions Court not to have jurisdiction in certain matters.*—(1) The City Sessions Court shall not have any jurisdiction on appeal, reference or revision.

(2) The City Sessions Court shall not have jurisdiction to try any scheduled offence.

(3) Subject to the provisions of sections 7 and 8, all matters in respect of which the City Sessions Court has no jurisdiction, shall be tried, dealt with or disposed of as if this Act had not been passed.

7. *Committal*—The provisions of Chapter XVIII of the Code shall, in the case of committal for trial to the City Sessions Court as a Court of Session, extend only to non-scheduled offences :

Provided that where an order of commitment for trial is in respect of several charges one of which is for a scheduled offence, such commitment shall be to the High Court, if such commitment would have been to the High Court had this Act not been passed.

8. *High Court not to try certain cases*—The High Court shall not have jurisdiction to try any person unless he is committed to the High Court for trial for a scheduled offence :

Provided as follows :—

(a) the High Court shall have jurisdiction to try any case committed to it under the proviso to section 7 ;

(b) when trying any case on commitment, the High Court may also try any non-scheduled offence, if the accused may be charged under the Code with such offence at the same trial ;

(c) if the City Sessions Court, when trying any case, is of opinion that a charge should be framed in respect of any scheduled offence, it shall forthwith transmit the record of the case to the High Court with a report of the circumstances of the case and the High Court may thereupon try the case as if the case had been committed to it for trial, whether it frames the additional charge or not, or may return the case for trial to the City Sessions Court with direction not to frame the additional charge ;

(d) The High Court, in the exercise of its original criminal jurisdiction, may of its own motion or on the application of any of the accused persons or on the application made on behalf of the prosecution, at any stage remove any case committed for trial to the City Sessions Court, for trial by the High Court, if the High Court is satisfied that by reason of the complexity of the case or in the interest of justice or for any other sufficient cause, such case should be tried by the High Court, and such case shall thereupon be tried by the High Court as if it had been committed to the High Court for trial.

9. *Jury*.—(1) Sections 268 and 269 of the Code shall in their application to the City Sessions Court be deemed to have been replaced by the following sections, namely :—

• “268. *Trial before the City Sessions Court to be by Jury*.—All trials before the City Sessions Court shall be by jury.

269. *Special Jury*.—The City Sessions Court may, on application made to it or of its own motion, by order direct that any trial before it

shall be by jurors summoned from a special jury list and may revoke or alter such order."

(2) Sections 321, 322, 323, 324, 325, 326 and 332 and Form XXXII of Schedule V of the Code shall be construed in their application to the City Sessions Court as if references therein to assessors were omitted, references to the District Magistrate or to the Collector were references to the Chief Presidency Magistrate, Calcutta, and in section 322 the reference to the District Court was a reference to the City Sessions Court.

10. Appointment of Registrar and of clerks and other ministerial officers and their duties.—(1) The State Government shall appoint a person to be the Registrar of the City Sessions Court.

(2) The State Government shall fix the number of clerks and other ministerial officers for the City Sessions Court. The appointment of such clerks and other ministerial officers shall be made by the State Government or, if in any class or classes of cases the State Government so directs, by the Chief Judge.

(3) The Registrar and any clerk or other ministerial officer may be common to the City Civil Court and the City Sessions Court.

(4) The Chief Judge shall have administrative control over the Registrar of the City Sessions Court, and the clerks and ministerial officers referred to in sub-section (2), and may frame regulations prescribing the duties of such Registrar, clerks and ministerial officers.

11. Holidays and vacations.—(1) The Chief Judge shall, before the commencement of each year, draw up a list of holidays and vacations to be observed in the City Sessions Court, and shall submit the same for the approval of the High Court.

(2) Such list, when it has received such approval, shall be published in the *official Gazette* and the said holidays and vacations shall be observed accordingly.

12. Attorneys entitled to act and plead in the City Sessions Court—(1) All persons entered as attorneys-at-law on the roll of the High Court shall be entitled to act and plead in the City Sessions Court.

(2) The provisions of sub-section (1) shall be in addition to and not in derogation of any law entitling a person to act and plead, or to plead, as the case may be, in the City Sessions Court.

13. Seal.—The City Sessions Court shall use a seal of such form and dimension as may, for the time being, be prescribed by the State Government.

14. Rules.—(1) The High Court may, from time to time, with the approval of the Governor, make rules for the purpose of giving effect to the provisions of this Act

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

(a) the practice and procedure of the City Sessions Court, so far as such rules are not inconsistent with the provisions of this Act as read with the Code;

(b) registers, books, accounts and other records to be maintained by the City Sessions Court;

(c) returns, statements and other information to be submitted by the City Sessions Court from time to time to the High Court, and also to the State Government if required by the State Government.

15. Saving of cases and proceedings pending in High Court.—Nothing in this Act shall affect any case or proceeding pending in the High Court

on the date on which this Act comes into force, and every such case or proceeding shall be continued as if this Act had not been passed.

16. *Act to override other law including Letters Patent.*—The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, including in particular the Letters Patent of the High Court :

Provided that nothing in this Act shall be deemed to affect any provisions of the West Bengal Criminal Law Amendment (Special Courts) Act, 1949 (West Ben. Act XXI of 1949) or the Tribunals of Criminal Jurisdiction Act, 1952 (West Ben. Act XIV of 1952) :

Provided further that nothing in this Act shall be deemed to confer any jurisdiction on the City Sessions Court to try any offence under the Indian Companies Act, 1913 (Act VII of 1913) or deemed to affect the jurisdiction of the High Court under the Banking Companies Act, 1949 (Act X of 1949).

17. *Amendments to the Code.*—The Code is hereby amended in its application to West Bengal to the extent and in the manner specified in the Second Schedule.

THE FIRST SCHEDULE.

[See sections 2(5) and 2(6).]

Scheduled offences

(1) An offence punishable under section 131, section 132, section 133 or section 134 of the Indian Penal Code (Act XLV of 1860).

(2) An offence punishable under section 302 of the Indian Penal Code (Act XLV of 1860).

(3) An offence punishable under section 396 of the Indian Penal Code.

(4) An offence punishable under section 463 or section 477A of the Indian Penal Code.

(5) Any criminal conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clauses (3) and (4).

(6) Any criminal conspiracy to commit or any abetment of the offence specified in clause (2).

(7) An offence punishable under section 307 of the Indian Penal Code.

(8) Any criminal conspiracy to commit any of the offences specified in clause (1).

THE SECOND SCHEDULE

(See section 17.)

Amendments to the Code of Criminal Procedure, 1898.

Heading, Marginal Note,
Section or Form.

Amendments.

1	2
Section 7	... In sub-section (1), <i>Omit</i> the words "excluding the presidency-towns". ... <i>Omit</i> sub-section (4).
Heading after section 8	... <i>Omit</i> the words "outside the presidency-towns".
Section 206	... In sub-section (2) <i>for</i> the words, "save as herein otherwise provided" <i>substitute</i> the words "save as provided in this Code or in the City Sessions Court Act, 1953".
Section 219	... In sub-section (2) <i>for</i> the words, "where the Magistrate is not a Presidency Magistrate" <i>substitute</i> the words "except where the

Heading, Marginal Note, Section or Form.	Amendments.
1	2
Marginal note of section 354	commitment is made to the High Court".
Marginal note of section 356	<i>Omit</i> the words "outside presidency-towns".
Section 373	<i>Omit</i> the words "outside presidency-towns".
	<i>After</i> the words "District Magistrate" <i>insert</i> the words and commas "or the Chief Presidency Magistrate, as the case may be,".
Marginal note of section 373	<i>Add</i> the words "or the Chief Presidency Magistrate".
Section 478 and the marginal note thereof.	<i>Omit</i> the words "High Court or" wherever they occur and the comma and words "as the case may be" at the end.
Section 479	<i>Omit</i> the words "High Court or" and the comma and words "as the case may be,".
Form XXVIII in Schedule V	Under the heading "(I) CHARGES WITH ONE HEAD"—
	In paragraphs (4), (5), (6), (7), (8), (9) and (10) <i>omit</i> the words and brackets "[or High Court]".
	Under the heading "(II) CHARGES WITH TWO OR MORE HEADS"—
	(i) In paragraph (b) <i>omit</i> the words and brackets "[or High Court]" in the two places where they occur.
	(ii) In paragraphs (3) and (4) <i>omit</i> the words and brackets "[or High Court]" wherever they occur.
	Under the heading "(III) CHARGE FOR THEFT AFTER PREVIOUS CONVICTION"—
	<i>Omit</i> the words and bar " <u>High Court, as the case may be</u> ".

The City Civil Court Act, 1953.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1952L, of the Legislative Department, dated the 1st September 1953, published in the *Calcutta Gazette*, Part III-A, dated the 1st September 1953.]

West Bengal Act XXI of 1953

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 1st September 1953.]

An Act to establish an additional Civil Court for the City of Calcutta.

WHEREAS it is expedient to establish an additional Civil Court for the City of Calcutta ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the City Civil Court Act, 1953.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(1) "Chief Judge" means the Chief Judge of the City Civil Court, appointed under sub-section (1) of section 4 ;

(2) "City Civil Court" means the Court established under section 3 ;

(3) "City of Calcutta" means the area comprised within the local limits for the time being of the ordinary original civil jurisdiction of the High Court ;

(4) "High Court" means the High Court at Calcutta ;

(5) "proceeding" includes any proceeding arising out of a suit of a civil nature (not being a proceeding on appeal, reference, revision or any application to the High Court) and any other proceeding whatsoever of a civil nature in the exercise of original jurisdiction not arising out of a suit ;

(6) "Small Cause Court" means the Court of Small Causes of Calcutta, constituted under the Presidency Small Cause Courts Act, 1882 (XV of 1882).

3. *Establishment of City Civil Court.*—(1) The State Government may, by notification in the *Official Gazette*, establish a Civil Court to be called the City Civil Court.

(2) The City Civil Court shall be deemed to be a Court subordinate to and subject to the superintendence of the High Court within the meaning of the Letters Patent for the High Court and of the Code of Civil Procedure, 1908 (Act V of 1908).

4. *Appointment of Judges*—(1) There shall be appointed a Chief Judge of the City Civil Court and as many other Judges of that Court as the State Government thinks fit.

(2) Each of the Judges of the City Civil Court may exercise all or any of the powers conferred on that Court by this Act or by any other law for the time being in force.

5. *Jurisdiction.*—(1) The local limits of the jurisdiction of the City Civil Court shall be the City of Calcutta.

(2) Subject to the provisions of sub-sections (3) and (4), and of section 9, the City Civil Court shall have jurisdiction and the High Court shall not have jurisdiction to try suits and proceedings of a civil nature, not exceeding rupees ten thousand in value.

(3) The City Civil Court shall have jurisdiction and the High Court shall not have jurisdiction to try any proceeding under—

(i) the Guardians and Wards Act, 1890 (VIII of 1890), and

(ii) Part X of the Indian Succession Act, 1925 (XXXIX of 1925), in respect of succession certificates.

(4) The City Civil Court shall not have jurisdiction to try suits and proceedings of the description specified in the First Schedule.

(5) All suits and proceedings which are not triable by the City Civil Court shall continue to be triable by the High Court or the Small Cause Court or any other Court, tribunal or authority, as the case may be, as heretofore.

6. *Procedure.*—Save as otherwise provided in this Act, the Code of Civil Procedure, 1908 (Act V of 1908) shall apply to all suits and proceedings under this Act so far as it is consistent with this Act.

7. *Law to be administered by the City Civil Court.*—All questions, other than questions relating to procedure or practice, which arise in suits or proceedings before the City Civil Court, shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

8. *Appeal.*—(1) An appeal shall lie to the High Court from—

- (a) every decree passed by the City Civil Court ; and
- (b) every order passed by the City Civil Court being—
 - (i) an order specified in sub-section (1) of section 104 of the Code of Civil Procedure, 1908, and in particular, in Order XLIII of the First Schedule to the Code of Civil Procedure, 1908, or an order under clause (i) or clause (ii) of section 14, or
 - (ii) any other order, from which an appeal lies to the High Court under any law.

(2) (a) The period of limitation for an appeal from a decree or order of the City Civil Court shall be thirty days from the date of such decree or order.

(b) The provisions of the Indian Limitation Act, 1908 (IX of 1908), other than the portion of sub-section (2) of section 29 thereof, beginning with the words “, and for the purpose of determining” and ending with the words “shall not apply”, shall apply to all suits and proceedings triable by the City Civil Court and to appeals and applications under this Act to the High Court from or in respect of any suit or proceeding.

9. *Power of High Court to remove suit or proceeding to itself*—(1) The High Court, in the exercise of its original civil jurisdiction, may of its own motion or on the application made to it by any party to a suit or proceeding instituted in the City Civil Court, at any stage remove such suit or proceeding for trial by the High Court, if the High Court is satisfied that by reason of the complexity of the case or in the interest of justice or for any other sufficient cause such suit or proceeding should be tried by the High Court.

(2) Where a suit or proceeding is removed for trial to the High Court under sub-section (1),—

(a) it shall be commenced *de novo* or from such stage as the High Court thinks fit, as if it were a suit or proceeding instituted in the High Court ;

(b) court-fee and other fees on the scale for the time being in force in the High Court as a Court of original jurisdiction shall be payable in respect of the suit or proceeding :

Provided that the High Court shall in the order removing the suit or proceeding to itself direct that in the levy of any court fee payable in connection with the suit or proceeding, by a party thereto, credit shall be given for any court-fee already paid by such party in connection with the suit or proceeding and that any excess shall be refunded.

(3) The provisions of this section shall be in addition to and not in derogation of the powers conferred on the High Court under clause 13 of the Letters Patent.

10. *Power of Chief Judge in respect of distribution of business, and transfer and withdrawal of suits or proceedings*.—(1) The Chief Judge may make such arrangements as he thinks fit for the distribution of business of the City Civil Court among the Judges thereof.

(2) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or if he is of opinion that it is necessary so to do in order to ensure proper distribution of business or in order to give effect to the provisions of section 11, then of his own motion and without such notice, the Chief Judge may at any stage—

(a) transfer any suit or proceeding pending before him for trial or disposal to any other Judge of the City Civil Court, or

(b) withdraw any suit or proceeding pending before any other Judge

of that Court, and

- (i) try or dispose of the same ; or
- (ii) transfer the same for trial or disposal to any Judge other than the Judge from whom it was withdrawn.

(3) Where any suit or proceeding has been transferred or withdrawn under sub-section (2), the Judge who thereafter tries such suit or proceeding may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn, as he thinks fit :

Provided that in a suit or proceeding where the hearing has already commenced before the transfer or withdrawal, the Judge shall retry it if any of the parties prays for a retrial.

11. *No Judge to try suits or proceedings in which he is interested.*—(1) The Chief Judge, or any other Judge of the City Civil Court, shall not try any suit or proceeding to which he is a party or in which he is directly or indirectly interested.

(2) When any such suit or proceeding comes before the Chief Judge, he shall of his own motion forthwith transfer it under section 10, to another Judge of the City Civil Court.

(3) When any such suit or proceeding comes before any other Judge of the City Civil Court, he shall of his own motion forthwith transmit the record of such suit or proceeding to the Chief Judge with a report of the circumstances and the Chief Judge shall deal with such suit or proceeding under section 10.

12. *Temporary charge of office of Chief Judge.*—(1) In the event of the death, resignation or removal or absence on leave of the Chief Judge or of his being incapacitated by illness or otherwise from the performance of his duties, or of his absence from the City of Calcutta, the Judge of the City Civil Court next in order of seniority according to the period of service in the City Civil Court, who may be present, shall, without relinquishing his ordinary duties, assume charge of the office of the Chief Judge, and shall continue in charge thereof until the office is resumed by the Chief Judge or assumed by a person appointed thereto.

(2) While in charge of the office of the Chief Judge, such Judge may, subject to any rules which the High Court may make in this behalf, exercise any of the powers of the Chief Judge.

13. *Vacancy in the office of a Judge other than the Chief Judge.*—(1) In the event of the death, resignation or removal or absence on leave of a Judge of the City Civil Court other than the Chief Judge, or of his being incapacitated by illness or otherwise from the performance of his duties or of his absence from the City of Calcutta, the Chief Judge may transfer all or any of the suits and proceedings which were pending before such Judge, either to himself or to any other Judge of the City Civil Court.

(2) Suits and proceedings transferred under sub-section (1) shall be disposed of in the manner provided in sub-section (2) of section 10.

14. *Return of plaint for want of jurisdiction and provision for crediting fees already paid.*—If at any stage of a suit or proceeding instituted in the High Court or the City Civil Court, such Court finds that for want of jurisdiction it cannot, or will not be able to, entertain or decide the suit or proceeding and that it should have been instituted in the City Civil Court or the High Court, as the case may be, the High Court or the City Civil Court shall, —

- (i) order the plaint or the application to be returned for presentation to the City Civil Court or the High Court, as the case may be ; and

(ii) order that in the levy of any court-fee payable by a party to a suit or proceeding in connection with the suit or proceeding in the City Civil Court or the High Court, as the case may be, credit shall be given for any court-fee already paid by such party in connection with the suit or proceeding instituted in the High Court or the City Civil Court and that any excess shall be refunded.

15. Appointment of Registrar and of clerks and other ministerial officers and their duties—(1) The State Government shall appoint a person to be the Registrar of the City Civil Court.

(2) The State Government shall fix the number of clerks and other ministerial officers for the City Civil Court. The appointment of such clerks and other ministerial officers shall be made by the State Government or, if in any class or classes of cases the State Government so directs, by the Chief Judge.

(3) Subject to the superintendence of the High Court, the Chief Judge shall have administrative control over the Registrar of the City Civil Court, and the clerks and ministerial officers referred to in sub-section (2), and may frame regulations prescribing the duties of such Registrar, clerks and ministerial officers.

16. Holidays and vacations.—The Chief Judge shall, before the commencement of each year, draw up a list of holidays and vacations to be observed in the City Civil Court, and shall submit the same for the approval of the High Court.

(2) Such list, when it has received such approval, shall be published in the *Official Gazette* and the said holidays and vacations shall be observed accordingly.

17. Attorneys entitled to act and plead in the City Civil Court.—(1) All persons entered as attorneys-at-law on the roll of the High Court shall be entitled to act and plead in the City Civil Court.

(2) The provisions of sub-section (1) shall be in addition to and not in derogation of any law entitling a person to act and plead, or to plead, as the case may be, in the City Civil Court.

18. Seal.—The City Civil Court shall use a seal of such form and dimension as may, for the time being, be prescribed by the State Government.

19. Rules.—(1) The High Court may, from time to time, with the approval of the Governor, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the practice and procedure of the City Civil Court, so far as such rules are not inconsistent with the provisions of this Act as read with the Code of Civil Procedure, 1908 (Act V of 1908) ;

(b) registers, books, accounts and other records to be maintained by the City Civil Court ;

(c) returns, statements and other information to be submitted by the City Civil Court from time to time to the High Court, and also to the State Government if required by the State Government ;

(d) the manner in which the period of service in the City Civil Court of the Judges of that Court shall be calculated and the exercise of the powers of the Chief Judge under sub-section (2) of section 12 ;

(e) the manner in which credit shall be given for court-fee already paid and the manner in which refund shall be made of any excess of court-

fee in cases where a direction has been issued under the proviso to clause (b) of sub-section (2) of section 9, or an order has been made under clause (ii) of section 14.

20. *Saving of suits and proceedings pending in High Court.*—Nothing in this Act shall affect any suit or proceeding pending in the High Court on the date on which this Act comes into force, and every such suit or proceeding shall be continued as if this Act had not been passed.

21. *Act to override other law including Letters Patent.*—The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, including in particular the Letters Patent of the High Court.

22. *Amendments to certain enactments.*—The enactments specified in the Second Schedule are hereby amended in their application to West Bengal to the extent and in the manner mentioned in the fourth column of such Schedule.

THE FIRST SCHEDULE

[See section 5(4).]

1. Suits and proceedings triable by the High Court as a Court of Admiralty or Vice-Admiralty, or as a Colonial Court of Admiralty.

2. Suits and proceedings relating to or arising out of shipping or navigation (including in particular carriage by sea, ships, cargo, freight, collisions, salvage, average, maritime lien, bottomry, respondentia, wages of seamen or master, and disbursements) not otherwise triable under entry 1.

3. Suits and proceedings relating to or arising out of carriage by air.

4. Subject to entry 1 and entry 2, suits and proceedings exceeding five thousand rupees in value—

(i) relating to or arising out of import or export of merchandise, or

(ii) relating to or arising out of stock exchange transactions or futures markets, or

(iii) relating to or arising out of documents of title to goods as defined in the Indian Sale of Goods Act, 1930 (III of 1930), or

(iv) arising out of transactions of merchandise and traders relating to the buying or the selling of goods or relating to the construction of mercantile documents, or

(v) relating to or arising out of transactions of mercantile agents as defined in the Indian Sale of Goods Act, 1930.

5. Suits and proceedings exceeding five thousand rupees in value relating to or arising out of bills of exchange, *hundies* or other negotiable securities for money, letters of credit or letters of advice, but not suits and proceedings relating to or arising out of cheques, promissory notes or currency notes.

6. Suits and proceedings exceeding five thousand rupees in value for dissolution of partnership and for an account of partnership transactions.

7. Suits and proceedings relating to or arising out of mortgages of, or charges or lien on, immovable property.

8. Suits and proceedings for the administration of assets of deceased persons.

9. Suits and proceedings relating to or arising out of trusts or endowments.

10. Suits and proceedings—

(i) under the Indian Companies Act, 1913 (VII of 1913), or the Banking Companies Act, 1949 (X of 1949), or

(ii) relating to or arising out of the constitution, incorporation, management or winding up of corporations.

11. Suits and proceedings under the Arbitration Act, 1940 (X of 1940), other than suits and proceedings under Chapter IV of that Act.

12. Proceedings for the relief of insolvent debtors triable by the High Court.

13. Proceedings under the Indian Lunacy Act, 1912 (IV of 1912), triable by the High Court.

14. Suits and proceedings triable by the High Court as a Court having testamentary or intestate jurisdiction but not proceedings under Part X of the Indian Succession Act, 1925 (XXXIX of 1925), in respect of succession certificates.

15. Suits and proceedings triable by the High Court as a Court of matrimonial jurisdiction.

16. Suits and proceedings triable by the High Court under any special law other than the Letters Patent.

17. Suits and proceedings triable by the Small Cause Court.

THE SECOND SCHEDULE

(See section 22.)

Year.	Number.	Short title.	Amendments.
1	2	3	4
<i>Acts of the Central Legislature.</i>			
1890	...VIII ..	The Guardians and Wards Act, 1890.	In clause (4) of section 4, for the words "a High Court in the exercise of its ordinary original civil jurisdiction" the words "as respects the city of Calcutta as defined in the City Civil Court Act, 1953, the City Civil Court established under that Act" shall be substituted.
1925	...XXXIX	The Indian Succession Act, 1925.	To clause (bb) in section 2, the following proviso shall be added, namely :— "Provided that, as respect the area comprised within the local limits for the time being of the ordinary original civil Jurisdiction of the High Court at Calcutta, references in Part X and Schedule VIII of this Act to a District Judge shall be construed as references to the City Civil Court established under the City Civil Court Act, 1953."
<i>Act of the West Bengal Legislature.</i>			
1950	...XVII	The West Bengal Premises Rent Control (Temporary Provisions) Act, 1950.	In Schedule B, in clause (1), for sub-clauses (i) and (ii) and the proviso, the following sub-clauses and the following proviso shall be substituted, namely :— "(i) where the value of the suit does not exceed ten thousand rupees—to the City Civil Court as defined in the City Civil Court Act, 1953 ; (ii) where the value of the suit exceeds ten thousand rupees—to the High Court at Calcutta : Provided that nothing in this clause shall affect any suit, appeal or proceeding pending in any Court on the

date of the commencement of the City Civil Court Act, 1953, and such suit, appeal or proceeding shall be continued as if this amendment had not been made."

Published in *Calcutta Gazette*, Extraordinary, Pt. III-A, dated Sept. 10, 1953.

The Contingency Fund of West Bengal (Amendment) Ordinance, 1953.

West Bengal Ordinance No. V of 1953.

WHEREAS it is expedient to amend the Contingency Fund of West Bengal Act, 1950 (West Ben. Act XL of 1950), for the purpose and in the manner hereinafter appearing ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Contingency Fund of West Bengal (Amendment) Ordinance, 1953.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Amendment of section 2 West Bengal Act XL of 1950.*—In section 2 of the Contingency Fund of West Bengal Act, 1950, for the words "a sum of fifty lakhs of rupees" the words 'a sum of one crore of rupees' shall be substituted.

The 10th September, 1953.

H. C. MOOKERJEE,
Governor of West Bengal.

Published in *Calcutta Gazette*, Extraordinary, Pt. III-A, dated Sept. 11, 1953.

The Calcutta University (Extension of Term of Office of First

Vice-Chancellor) Ordinance, 1953.

West Bengal Ordinance No VI of 1953.

WHEREAS it is expedient in the public interest to extend the term of office of the first Vice-Chancellor of the University of Calcutta ;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement*—(1) This Ordinance may be called the Calcutta University (Extension of Term of Office of First Vice-Chancellor) Ordinance, 1953.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Extension of the term of office of the first Vice-Chancellor of the University of Calcutta.*—Notwithstanding anything contained in sub-section (1) of section 52 of the Calcutta University Act, 1951 (West Bengal Act XVIII of 1951), or in any order made thereunder, the Vice-Chancellor of the University of Calcutta appointed under that sub-section and referred to in that Act as the first Vice-Chancellor, shall hold office as the first Vice-Chancellor for a period of two years and six months from the date of his appointment under that sub-section as such Vice-Chancellor.

The 11th September, 1953.

H. C. MOOKERJEE,
Governor of West Bengal.

PART X

Notifications West Bengal Government and Calcutta High Court

Published in the *Calcutta Gazette*, Part I, dated the 11th December 1952.

DEPARTMENT OF LAND AND LAND REVENUE.

No. 22436L.Ref.—6th December 1952.—In exercise of the power conferred by section 12 of the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951 (West Bengal Act XVI of 1951), the Governor is pleased to make the following amendments in the **Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Rules, 1951**, published with notification No. 7920L.Ref., dated the 18th June 1951, as subsequently amended, namely :—

Amendments

(1) For rule 5 of the said rules, *substitute* the following :—

“5. *Manner of execution of the order made by the Competent Authority or the Tribunal for eviction of persons in unauthorised occupation of lands.*—An order of eviction made by the Competent Authority under sub-section (3) of section 3 or by the Tribunal on appeal under sub-section (2) of section 6 may be executed by the Competent Authority in the manner provided in the Code of Civil Procedure, 1908, for the execution of decrees”.

(2) After rule 5, *insert* the following rules, namely :—

“5A. *Manner of execution of the order made by the Competent Authority or the Tribunal for recovery of any sum recoverable under a decree of a Civil Court or as a public demand.*—(i) When an order is passed by the Competent Authority or the Tribunal under section 9 for the recovery of any sum payable as consideration, compensation, premium or rent as a sum recoverable under a decree of a civil court, the order may be executed in accordance with the procedure laid down in Order XXI of the Code of Civil Procedure, 1908 (Act V of 1908), either by the Competent Authority which passed it or by the Competent Authority to which it is sent for execution under rule 5B.

(ii) When an order is passed by the Competent Authority or the Tribunal under section 9 for the recovery of any sum payable as consideration, premium or rent as a sum recoverable as a public demand, a copy of the order shall be sent by the Competent Authority to the Certificate Officer for realisation of the sum as specified in the order together with interest, cost and other charges recoverable under section 16 of the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913).

5B. *Transfer of the order for the recovery of money to another Competent Authority and manner of execution by such Authority.*—(i) The Competent Authority which passed the order for the recovery of any sum payable as consideration, compensation, premium or rent as a sum payable under a decree of a civil court, may, on the application of the State Government or an owner, as the case may be, in whose favour the order is passed, send it for execution to another Competent Authority,—

(a) if the person against whom the order is passed actually and voluntarily resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Competent Authority, or

(b) if such person has not property within the local limits of the jurisdiction of the Competent Authority which passed the order and has

property within the local limits of the jurisdiction of such other Competent Authority, or

(c) if the Competent Authority which passed the order considers for any other reason, which it shall record in writing, that the order shall be executed by such other Competent Authority,

(ii) The Competent Authority executing an order sent to it shall have the same powers in executing such order as if it had been passed by itself.

(iii) The Competent Authority to which an order is sent for execution shall certify to the Competent Authority which passed it the fact of such execution, or where the former Competent Authority fails to execute the same the circumstances attending such failure.

(iv) The Competent Authority sending an order for execution shall send—

(a) a copy of the order ;

(b) a certificate setting forth that satisfaction of the order has not been obtained by execution within the jurisdiction of the Competent Authority by which it was passed or, where the order has been executed in part, the extent to which satisfaction has been obtained and what part of the order remains unsatisfied ; and

(c) a copy of any order for the execution of the order for the recovery of money, or, if no such order has been made, a certificate to that effect”.

LABOUR DEPARTMENT

No. 3431-Dis /D/IR-2(B)/52.—4th December 1952.—In exercise of the power conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor is pleased to make the following amendments in the **Bengal Industrial Disputes Rules, 1947**, the same having been previously published as required by sub-section (1) of section 38 of the said Act :—

Amendments.

I. After rule 27 of the said rules add the following rules :—

“28. *Copies and application for copies.*—(1) Any party to an industrial dispute desiring to obtain copies of proceedings of a Tribunal shall make an application for copies to the Chairman. Copies of any number of documents on the same record may be obtained on a single application. A stranger may obtain copies of awards and, on showing sufficient reason to the satisfaction of the Tribunal concerned, also copies of other proceedings on making an application for copies to the Chairman. Proceedings shall include exhibits which have been put in and formally accepted as evidence by the Tribunal. But a stranger shall not be given copies of private documents except with the consent of the person by whom they were produced, or his successor-in-interest. Copies of awards shall not, however, be supplied till they are published in the *Calcutta Gazette*.

(2) Every application for copies shall be presented in Form G to the Chairman between the hours of 10 a.m. and 12 noon and shall be accompanied by a fee of annas two only which shall be paid in court-fee stamps affixed on the application.

29. *Copies to be issued on stamped paper.*—(1) All copies shall be prepared on the prescribed stamped paper (i.e., the folio).

(2) If it be not possible at once to inform the applicant what court-fee stamps and folios will be required in respect of the copies applied for, the requisite information shall be communicated to the applicant as soon as may be thereafter and in any case not later than three days from the date on which the application is received, by noting on the counterfoil

portion of the application from which will be taken delivery of by the applicant from the office of the Chairman within three days from the date of filing of the application.

30. *Charge to be made for copies.*—(1) The charge for copies (manuscript or typewritten, certified or uncertified) shall be according to the following rates and manner, namely :—

(a) an impressed stamped paper of four annas (i.e., folio) for copies of documents containing 150 words or less,

(b) an impressed stamped paper of four annas (i.e., folio) with an adhesive stamp of four annas affixed thereto for copies of documents containing 151 to 300 words, and

(c) for copies of documents containing more than 300 words, *besides the requisites specified in clause (b)*, an additional impressed stamp paper or papers of four annas with an adhesive stamp of four annas affixed thereto, if necessary, according to the number of words to be typed or copied (four figures counting as one word) *at the rates shown in clauses (a) and (b)*. The adhesive court-fee stamps required for the copies shall be affixed to the folios across the perforated line with the figure heads above the perforated line in such a way that the portion below may clearly show the value of the court-fee stamps.

(2) If any copy is to be made of a map or a plan the Chairman may get the work done by technical persons capable of doing such work and the charges thereof to be assessed by the Chairman in his discretion shall be paid to such technical persons by the applicant in cash.

(3) As soon as a copy is ready, the upper half of each stamp shall be torn off each sheet along the perforated line by the comparing clerk who shall put the serial number and the date of the copy on the back of each of the upper halves so torn off and get them destroyed on the following day in presence of the Chairman and get a certificate of destruction recorded in the 'Remarks' column of the Register of application for copies.

31. *Certification fee.*—In the case of certified copies the court-fee chargeable under the Court-fees Act (VII of 1870) shall be levied by affixing the necessary stamp to the first folio of the copy or to the map or the plan as the case may be, and such court-fee stamp shall be punched with a square punch and signed across by the certifying officer.

32. *Procedure for supplying court-fees, folios, etc., by the parties.*—(1) On receipt of the information referred to in sub-rule (2) of rule 29 the applicant shall present the requisite folios, stamps, etc., to the Chairman along with the counterfoil of his original application on which receipt of the stamps, folios, etc., filed shall be acknowledged and the date on which the copy will be ready for delivery noted. The counterfoil shall then be returned to the applicant.

(2) If the requisite folios, stamps, etc., are not filed within 7 days from the date on which the information referred to in sub-rule (2) of rule 29 is communicated to the applicant the application shall be liable to be struck off. An application once struck off shall not be revived. If necessary, a fresh application may be filed.

33. *Delivery of copy.*—The copy shall be ready for delivery to the applicant within 7 days from the date of his filing the requisites in full. If the copy be not taken delivery of within 2 months from its being ready for delivery, the copy and the unused stamps shall be liable for destruction. When the copy together with the unused folios, etc., is delivered to the applicant the signature therefor and the date of delivery shall

be taken on the back of the application. The counterfoil shall at the same time be taken back from the applicant and kept attached to the application.

34. *Register of application for copies.*—All applications for copies shall be numbered consecutively and entered in a register maintained for the purpose in Form H

35. *Register of court-fees.*—In order to maintain a proper account of all court-fees received, a court-fee register shall be maintained in Form I by the office of the Chairman for entering therein the court-fee for application for copies. Court-fees shall be cancelled by punching in the manner laid down in section 30 of the Court-fees Act, 1870 (VII of 1870).

36. *Certificate on copies.*—(1) Each page of the copy shall be signed at the bottom by the person copying it. It shall also bear at the end the signature of the clerk who examined it. Every alteration or interlineation shall also be initialled by him.

(2) All copies shall be carefully compared by a salaried comparing clerk and if certified copies are applied for, shall be certified to be true copies. Each page shall be sealed with the seal of the office of the Tribunal and the copy shall be signed in full at the end by the certifying officer with the designation and date.

The Head Clerk of the office of the Tribunal shall be the public officer authorised under section 76 of the Indian Evidence Act, 1872 (I of 1872), to certify all copies issued from the office of the Tribunal.

Note 1.—The Head Clerk shall append to his signature the words and figures 'Authorised under section 76 of Act I of 1872'. A rubber stamp may be used for the purpose except for the signature itself.

Note 2.—Certified copies shall not be signed 'for' the authorised officer by some other officer. The authorised officer shall certify the copy as true in his own name.

(3) Uncertified copy may be converted into certified copy after comparison with the original upon application of any one producing the uncertified copy and upon his filing the necessary court-fee stamp required under the Court-fees Act, 1870, provided that he is not debarred under the rules from getting a certified copy. Copies with notes written on them, or portions marked or underlined shall not, however, be accepted for conversion into certified copies. If the original has been amended or added to or if any order has been endorsed on it after issue of the uncertified copy, the uncertified copy shall not be converted into certified copy.

(4) At the bottom of each certified copy the following particulars shall also be endorsed :—

- (i) Date of application for copies :
- (ii) Date when requisites were notified :
- (iii) Date of supply of requisites :
- (iv) Date when copy was ready for delivery :
- (v) Date of delivery of the copy :
- (vi) Cost of copy.

37. *Urgent copies.*—Application for urgent copies may be made at any time during the office hours. Such copies shall ordinarily be ready for delivery on the day following the date of filing of the urgent fees and other requisites. The additional fees for urgent copies shall be Re. 1 up to copies with 600 words or less. For copies exceeding 600 words an additional fee of 4 annas for every 150 words or fraction thereof is to be filed. Such fees are to be filed by means of court-fee stamp to be affixed to the

application for copy or to a separate blank sheet of paper.

38. *Copies required by public officers.*—No fees are to be demanded for copying or typing papers required by public officers for public purposes. In such cases the copies are to be prepared on plain paper.

39. *No copy of confidential documents shall be given.*—No copy shall be granted of any notes recorded by a Tribunal for its own use or of any exhibit or document which the Tribunal may consider to be confidential.

II. *After Form F appended to the said rules, add the following forms :—*

"FORM G.

(See rule 28.)

Serial No. FORM OF APPLICATION FOR COPIES. (To be preserved for one year.)

To
THE CHAIRMAN, INDUSTRIAL TRIBUNAL, GOVERNMENT OF
WEST BENGAL.

SIR,

I require a certified/uncertified copy of the documents mentioned below, which may be supplied.

Signature of the applicant.

Date

Description of document of which copy is required.

Description, No. and year of the case of which it forms part, names of the parties, name of the Tribunal, No. and date of Government reference, publishing an award, etc.

Report of the Clerk-in-charge of the record.

Folios and court-fees required :

Signature of Clerk-in-charge.

Date

Received copy and unused folios and stamps.

Signature of the applicant.

Date

COUNTERFOIL OF APPLICATION FOR COPIES.

Received application for copies being serial No. ,
dated

Folios and court-fees required :

Signature of Clerk-in-charge.

Date

FORM H.

(See rule 34.)

Register of application for copies. (To be preserved for three years.)

FORM I.

(See rule 35.)

Register of court-fees received. (To be preserved for three years.)

[For Forms H and I, see *Calcutta Gazette*, 1952, P. 1, pages 3829-30. *Editor.*]

FINANCE DEPARTMENT

No. 2334F.T.—28th November 1952.—In exercise of the power conferred by section 26 of the Bengal Finance (Sales Tax) Act, 1941 (Bengal

Act VI of 1941), the Governor is pleased to make, after previous publication as required by sub-section (1) of the said section, the following amendments in the **Bengal Sales Tax Rules, 1941**, as subsequently amended, namely :—

Amendments.

In rule 27A of the said rules—

(1) *For* sub-rule (2) *substitute* the following :—

“(2) A dealer wishing to make a deduction under clause (b) of sub-rule (1) shall not accept, nor shall the purchasing dealer give, a declaration mentioned in the said clause except in a form obtainable by the purchasing dealer from the appropriate Commercial Tax Officer on application.”

(2) *In* sub-rule (5), *omit* the words—

“or a broker-member”.

(3) *In* sub-rule (6), *omit* the words—

“or broker member”.

No. 2334F.T.—29th November 1952.—In exercise of the power conferred by section 26 of the Bengal Finance (Sales Tax) Act, 1941 (Bengal Act VI of 1941), the Governor is pleased to make, after previous publication as required by sub-section (1) of the said section, the following amendment in the **Bengal Sales Tax Rules, 1941**, as subsequently amended, namely :—

Amendment.

For sub-rule (12) of rule 3 of the said rules *substitute* the following rule, namely :—

“(12) Sales of goods certified by the Political Officer, Sikkim, to be for use by the Political Officer in Sikkim or by the Sikkim Durbar or the Bhutan Durbar outside the Indian Union or for export to Sikkim, Bhutan or Tibet and consigned to Madarihat, Dalsingpara, Jainti, Siliguri, Darjeeling, Ghoom, or Giallekhol railway stations or to Kalimpong by aerial ropeway or to Bagdogra air port by air.”

LOCAL SELF-GOVERNMENT DEPARTMENT

No. M.3R-21/52.—28th November 1952.—In exercise of the power conferred by sub-section (1) of section 49 and sub-section (2) of section 52 of the **Calcutta Municipal Act, 1951** (West Bengal Act XXXIII of 1951), the Governor is pleased to make the following rules :—

RULES.

Preliminary.

1. These rules may be called the **Calcutta Municipal Electoral (Preparation and Publication and Revision and Republication of Electoral Rolls) Rules, 1952**.

2. In these rules unless there is anything repugnant in the subject or context,—

(i) “the Act” means the **Calcutta Municipal Act, 1951** (West Bengal Act XXXIII of 1951);

(ii) “constituency” means a constituency specified in Schedule V to the Act;

(iii) “the Registering Authority” means the authority appointed by the State Government by notification in the *Official Gazette* for preparation and publication under sub-section (1) of section 52 of the Act and republication under sub-section (3) of that section of the electoral roll, or revision

and republication of the electoral roll under sub-section (5) of section 52 of the Act.

3. For the purpose of the preparation and publication under sub-section (1) of section 52 of the Act and republication under sub-section (3) of that section of the electoral roll, or revision and republication of the electoral roll under sub-section (5) of section 52 of the Act, the Registering Authority may employ such agency as he thinks fit.

Preparation and Publication of the Electoral Roll.

4. The preparation of the electoral roll shall be taken up as early as possible in the year in which the general election will take place.

5. No person shall be included in the electoral roll of a constituency by virtue of the qualifications specified in clause (b) or clause (d) of sub-section (1) of section 48 of the Act unless application is made by him or on his behalf by a person authorised by him in writing to the Registering Authority in Form III appended to these rules that he should be so included and unless he or such person proves by production of such documents as may be necessary, the said qualifications.

6. (1) Before the preparation of an electoral roll for a constituency is taken in hand, the Registering Authority shall cause a notice in Form I annexed to these rules to be published, inviting applications referred to in rule 5 for inclusion in the electoral roll of the constituency, within the time to be specified by the Registering Authority in the notice. Such time shall not be less than one month from the publication of the notice.

(2) A notice under sub-rule (1) shall be published in the manner following and in any other manner as the Registering Authority may think fit to give wide publicity :—

(a) by affixing for public inspection a copy of the notice at the following places :—

(i) the office of the Registering Authority,
(ii) the Central Municipal Office,
(iii) the Municipal District Office or Borough Offices and such other offices as the Registering Authority may think fit, situated within the constituency concerned, or within the jurisdiction of which the constituency or any part of it may be situated,

(iv) one or more of the police-station or stations situated within the constituency or within the jurisdiction of which the constituency or any part of it may be situated,

(v) one or more of the post offices as the Registering Authority may think fit, situated within the constituency, and

(vi) municipal markets and such public reading rooms and public libraries as the Registering Authority may think fit; and

(b) by advertisement in such local newspapers as the Registering Authority may think fit.

7. The Registering Authority shall prepare or cause to be prepared a complete electoral roll (hereinafter referred to as the preliminary electoral roll) of each constituency in English in Form II annexed to these rules. The roll shall contain the names of all persons who appear to the Registering Authority to be entitled to be registered as voters of that constituency. In order to give it wide publicity the Registering Authority may, if he thinks fit, also prepare or publish or cause to be prepared or published a copy of the roll in Bengali or such other language or languages as he may consider necessary.

8. The Registering Authority may sub-divide the electoral roll of a

constituency in such manner or into such parts as he may deem expedient for the purpose of expediting or facilitating the preparation of the roll.

9. (1) The names of electors registered in the roll or any part of the roll for a constituency shall be arranged in accordance with the alphabetical order (in English) of the names of the streets and the serial numbering of the premises in such streets giving full and correct address and such other details as flat No., suite No., room No. or any other distinctive marks if available contained in the said roll or any part of the roll, as the case may be.

(2) Where a person is registered as representative of any company, body-corporate, firm, joint family or other association of individuals or as the manager of a lunatic or the guardian of a minor, a distinctive sign or mark shall be placed against his name in the roll to indicate the fact.

(3) Persons qualified as voters under clause (b) or clause (d) of sub-section (1) of section 48 of the Act shall have a distinctive sign or mark placed against their names in the roll unless it is decided to publish their names in a separate part or parts of the roll.

10. The preliminary electoral roll prepared as above for every constituency shall be published by the Registering authority in the manner following and in any other manner as he may think fit to give it wide publicity in the constituency by affixing for public inspection a complete copy of the roll at—

(i) the office of the Registering Authority,

(ii) the Central Municipal Office,

(iii) the Municipal District Office or Borough offices and such other Corporation office or offices as the Registering authority may think fit, situated within the constituency concerned, or within the jurisdiction of which the constituency or any part of it may be situated,

(iv) one or more of the police-station or stations situated within the constituency or within the jurisdiction of which the constituency or any part of it may be situated,

(v) one or more of the post offices as the Registering Authority may think fit, situated within the constituency, and

(vi) municipal markets and such public reading rooms and public libraries as the Registering Authority may think fit.

11. Printed copies of the preliminary electoral roll published under rule 10 shall be sold to the public at such prices as may, from time to time, be fixed by the Commissioner.

12. For the purpose of the disposal of claims for being included and objections to the inclusion of any name in the electoral roll, the Registering Authority shall, with the previous approval of the State Government, appoint in writing a person or persons to perform all or any of the duties of the Revising Authority in respect of any constituency or part of a constituency :

Provided that no officer or servant of the Corporation shall be a Revising Authority.

13. Along with the preliminary electoral roll of every constituency published as above—

(a) a notice shall, simultaneously, be published in the constituency, and

(b) a notice of the publication of the preliminary electoral roll shall also be given by advertisement in local newspapers, specifying for such constituency or any part of it, the Revising Authority.

ality to whom, the place at which, the period within which and the manner in which a claim for being included in the electoral roll or any objection to the inclusion of any name in the electoral roll shall be preferred.

14. (a) Any person having the qualifications of an elector for a constituency specified in section 48 of the Act and not being subject to any of the disqualifications specified in section 49 of the Act, may file a claim for being included in the electoral roll of a constituency if he is not already included in the electoral roll of any constituency :

Provided that a person who is already included in the electoral roll of a constituency may file a claim for his name being included in the electoral roll of a different constituency.

(2) No person shall prefer an objection to the inclusion of any name in the electoral roll of a constituency unless his name is already included in the electoral roll of that constituency or unless he has filed a claim for being included in the said electoral roll.

15. (1) Claims and objections may be preferred in respect of the roll of any constituency within twenty-one days from the date of the publication of the roll under rule 10. Claims shall be made in Form III and objections in Form IV annexed to these rules.

(2) All such claims and objections shall be addressed to the Revising Authority and shall either be handed over or sent by post to the Revising Authority or the Registering Authority at the Central Municipal Office or the Borough offices concerned.

(3) The Revising Authority shall not entertain any claim or objection received by him or the Registering Authority after 5 p.m. of the last date of filing claims and objections according to sub-rule (1).

16. (1) Every claim and objection shall be in writing and shall state the grounds on which it is based and when it relates to an entry in the preliminary roll shall contain a reference to or the particulars of that entry.

(2) A claim shall be signed either by the person desiring his name to be included in the electoral roll or by an agent authorised in writing by such person :

Provided that when a company, body corporate, firm, joint family or other association of individuals desires to have the name of its representative included in the electoral roll, the claim shall be preferred by such company, body corporate, firm, joint family or other association of individuals, and shall on its behalf be signed by or marked with the thumb impression of, in the case of a company, body corporate or firm, one of the persons who are qualified to be nominated by it as its representative, and in the case of a joint family or other association of individuals, all the members thereof unless the Revising Authority for reasons considered sufficient by him exempts any such member from joining in the claim.

17. A register of all claims and objections shall be maintained by the Revising Authority and the Registering Authority.

18. Every person whose claim or objection is received in time shall be served with a notice by the Revising Authority specifying the place where and the time when his claim or objection will be heard, and he may produce or cause to be produced such evidence as he may wish to adduce, but in the absence of such evidence the Revising Authority shall decide the matter on the entries appearing in the records of the Corporation.

19. When objection is made, by any person whose name is on the preliminary roll or who has filed a claim for being included in the electoral

roll, to the inclusion of the name of any other person recorded therein, the Revising Authority shall serve on such other person a notice stating the grounds for such objection and specifying the place and the time fixed for the hearing of such objection, where and when such other person may attend with such evidence as he may wish to adduce:

Provided that if any objection shall appear to the Revising Authority to be frivolous or to have been made on irrelevant grounds he shall cause to be served on the person making the objection a notice calling upon him to appear and substantiate his objection either in person or by agent on a specified date, and in such a case no notice shall be served upon the other person until the Revising Authority is satisfied that the objection is well-founded, and if the person making the objection shall for any reason fail to appear and substantiate his objection, either in person or by agent on the specified date, the Revising Authority shall proceed as if no objection had been made.

20. (1) The Registering Authority shall, within the period specified in sub rule (1) of rule 15, make an application to the Revising Authority for the making of any corrections in the roll—as the removal of duplicate entries, or the expunging of the names of persons who are dead or subject to any legal incapacity, or removal of clerical or printing errors—which he considers necessary for the preparation of a complete and accurate roll.

(2) The Revising Authority shall serve on each of the persons affected by the application made under sub-rule (1), a notice specifying the correction which it is proposed to make in the roll and the place where and the time when objections to the proposed corrections will be heard:

Provided that no such notice shall be served where the Revising Authority is satisfied that the application is one for the correction of a clerical or printing error or an error patent on the face of the record.

21. (1) Every notice issued by the Revising Authority shall be in writing and shall be served at the address as entered in the preliminary roll or at such other address as may be specified by the claimant or objector in his notice of claim or objection, the person objected to being served only at the address given in the roll:

Provided that a notice may be served by the Revising Authority by sending it to the person concerned by post.

(2) The notice to be issued to the person objected to shall be either posted seven days before the date fixed for hearing the objection or served three days before that date if served otherwise than by post.

22. The Registering Authority may transfer a claim or objection pending before a Revising Authority to any other Revising Authority appointed for the constituency or part of the constituency to which it relates, for disposal.

23. The Registering Authority shall cause to be published from time to time on the notice board of the Central Municipal Office or Borough Offices a notice showing generally the date on which and the places at which the Revising Authorities will sit for hearing the claims and objections.

24. The Revising Authority shall dispose of all claims and objections by a date to be fixed by the Registering Authority.

25. (1) On the date fixed for the hearing or on such other date to which the hearing may be adjourned the Revising Authority shall hold a summary inquiry into the claims or objections preferred and shall record his orders either allowing or disallowing the claims or objections. He shall

also, after considering any verbal or written objections that may be preferred, decide on any application made by the Registering Authority for corrections to the roll under sub-rule (1) of rule 20. For the purpose of the enquiry the roll as published under rule 10 shall be presumed to be correct and complete until the contrary has been proved. No party shall be represented by any legal practitioner at any proceedings under this rule.

(2) In the case where the Revising Authority allows claim of a person who is already included in the electoral roll of a constituency for his name being entered in the electoral roll of a different constituency, the Revising Authority shall also record an order for removal of his name from the electoral roll of the constituency in which his name was previously recorded.

26. (1) The orders of the Revising Authority shall be communicated by him to the Registering Authority who shall cause the roll to be amended in accordance therewith. The Revising Authority shall also direct correction of any clerical or printing errors which he may himself discover in the roll.

(2) The electoral roll so amended shall be the final electoral roll and shall be republished in the manner specified in rule 10, at least eight weeks before the date fixed under sub-section (3) of section 71 of the Act for general election in respect of the constituency to which it relates.

Revision and Republication of the Electoral Roll under section 52 (5) of the Act

27. (1) For the purpose of revision of the electoral roll in any year, the Registering Authority shall as soon as possible after the commencement of the year but not later than the 31st day of May cause a notice in Form V annexed to these rules to be published, inviting claims for being included and objections to the inclusion of any name included, in the electoral roll and specifying the time within which such claims and objections are to be preferred. Such time shall not be less than one month from the date of the publication of the notice.

(2) A notice under sub-rule (1) in respect of a constituency shall be published in the manner specified in sub-rule (2) of rule 6.

28. (1) The Registering Authority shall cause a complete copy of the electoral roll of every constituency under revision to be kept for public inspection during office hours from the date on which the notice under rule 27 is published to the last date of filing claims and objections according to the said notice at—

- (i) the office of Registering Authority, and
- (ii) the Central Municipal Office and such other municipal offices as the Registering Authority thinks fit.

(2) A notice of the keeping of the electoral roll for public inspection under sub-rule (1) shall be given by advertisement in such local newspapers as the Registering Authority thinks fit.

29. Rules 12, 14 to 25 and sub rule (1) of rule 26 shall apply to the revision of the electoral roll under sub-section (5) of section 52 of the Act subject to the following modifications :—

(i) in rule 14—

(a) in sub-rule (1) for the words and figures “section 49” the words “brackets and figures “sub-section (2) and sub section (3) of section 49” shall be substituted ;

(b) the following sub-rule shall be added, namely :—

“(3) A person having the qualifications of an elector specified in clause (b) or clause (d) of sub-section (1) of section 48 of the Act on filing

a claim in the manner and within the time as prescribed in rules 15 and 27 shall be deemed to have made an application for registration of his name in the electoral roll for the purpose of sub-section (1) of section 49 of the Act ;

(ii) in rule 15—

(a) in sub-rule (1) for the words and figures “within twenty-one days from the date of the publication of the roll under rule 10” the words and figures “within the time specified in the notice published under rule 27” shall be substituted ; and

(b) in sub rule (2) for the words “addressed to the Revising Authority” the words “addressed to the Registering Authority” shall be substituted, and the words “the Revising Authority or” before the words “the Registering Authority” shall be omitted ;

(iii) in sub-rule (1) of rule 16 for the words “preliminary roll” the word “roll” shall be substituted ;

(iv) in rule 19 for the words “preliminary roll” the words “electoral roll” shall be substituted.

30. The electoral roll amended in accordance with the orders of the Revising Authority shall be the final electoral roll after revision and shall be republished by the Registering Authority in the manner following and in such other manner, as he may think fit, to give it wide publicity, by affixing for public inspection a complete copy of the revised electoral roll at—

(i) the office of the Registering Authority,

(ii) the Central Municipal Office, and

(iii) the Municipal District Office or offices and such other municipal office or offices as the Registering Authority may think fit, situated within the constituency concerned or within the jurisdiction of which the constituency or any part of it may be situated.

General.

31. It shall be duty of the Commissioner to produce all relevant and necessary documents or papers in his power or possession before the Registering Authority and the Revising Authority and otherwise render necessary assistance to them for the discharge of their duties under these rules.

32. Printed copies of the final electoral roll republished under sub-rule (2) of rule 26 or under rule 30 shall be sold to the public at such prices as may from time to time be fixed by the Commissioner.

33. All costs incurred in connection with the preparation, revision and printing of the electoral roll, publication of notice and taking any other action under these rules shall be payable from the municipal fund :

Provided that if the Registering Authority and other persons employed in connection with the preparation, revision and publication of the electoral roll are servants of the Government, they shall be paid by the State Government such emoluments as may be fixed by the State Government and the Corporation shall out of the municipal fund pay to the State Government the amount of emoluments so fixed.

FORM I.

NOTICE

(See rule 6.)

Corporation of Calcutta

For the purpose of preparation of the electoral roll for the constituencies of the Corporation of Calcutta, applications are invited from

persons who are qualified to be included in the electoral roll for any of the aforesaid constituencies by virtue of the provisions of clause (b) or clause (d) of sub-section (1) of section 48 of the Municipal Act, 1951. Such application shall be made in Form III so as to reach the undersigned not later than the.....

day of... 195 , corresponding to the day of.....
.....(B.S.).

Registering Authority.

Date

N.B - Copies of the form will be supplied free by the Registering Authority on application.

FORM II

(See rule 7.)

Corporation of Calcutta

Preliminary/Final Electoral Roll for voters of Constituency No...
of the Corporation of Calcutta.

Part.....(a)

Name of street.....

Serial No. (b). 1	Premises No. 2	Name of voter—Father's/Mother's/Husband's name. 3
----------------------	-------------------	--

(a) Here describe the part if the roll is divided into parts. If the roll is not divided into parts this item of the form may be omitted.

(b) The numbers of voters of all streets included in the roll should run in one serial order.

FORM III

Claim for inclusion in the Electoral Roll of a constituency.

(See rules 6 and 15)

Corporation of Calcutta

Constituency No. (a)

Claim for inclusion in the electoral roll of (b).....

(c) Son/Wife/Daughter of.....

(d) Resident at No... Street... Ward No. Police Station Calcutta.

The claimant has the following electoral qualifications, viz.,....
..... in support of which the claimant submits with this claim the following original/certified copies of documents duly attested either by a First Class Magistrate or a Gazetted Officer, v z., ...

(e) The claimant has not been included in the electoral roll of any constituency./ The claimant has been included in the electoral roll of Constituency No. (f) as Serial No.... in the roll [part (g)]

DECLARATION

The above particulars are true and correct in all respects. The claimant is a citizen of India [or not being a citizen of India has been exempted from the disabilities imposed by the Bengal (Aliens) Disqualification Act, 1918] and has attained the age of 21 years. He has not claimed to be included in the electoral roll of any other constituency with any other address.

Signature or thumb impression of the claimant.....

Signature of person signing on behalf of the claimant.....

Address of person signing if not the claimant

Date.....

(a) Here insert the No. of the constituency for which this claim is preferred.
(b) Name in full.

- (c) Strike out the words not required.
 (d) Here insert particulars as to the place of residence for which the claimant claims to be qualified.
 (e) Strike out the words not required.
 (f) Here insert the No. of the constituency in the electoral roll for which the claimant's name has been included.
 (g) Here insert the description of the part of the roll if it is divided into parts.
 N.B.—Any false declaration made by a person for the purpose of this claim will render such person liable to a penalty.

FORM IV**Objection to registration of voters**

(See rule 15.)

Corporation of Calcutta

Constituency No. (a).....

I hereby give you notice that I object to the entry of (b) on the electoral roll of Constituency No. (a) as Serial No. in the roll/part (c)

The grounds of my objection are... .. in respect of which I submit with this objection the following original/certified copies of documents, viz.,

.....
 I declare this objection to be true to my own knowledge and information.

Signature or thumb impression of
 objector.....

(d) Entered on the electoral roll of Constituency No. (a)..... as Serial No. in the roll [part (c).....] Has filed a claim on (e)..... for inclusion of his name in the electoral roll of Constituency No. (a)

Present address.....

- (a) Here insert the No. of the constituency.
 (b) Here insert the name as it appears in the electoral roll.
 (c) Here insert the description of the part of the roll, if it is divided into parts.
 (d) Strike out the words not required.
 (e) Here insert the date of filing the claim.

FORM V**NOTICE**

(See rule 27.)

Corporation of Calcutta

For the purpose of revision in the year 19... of the electoral rolls of the constituencies of the Corporation of Calcutta, claims for being included in the electoral rolls and objections to the inclusion of any names included in the electoral rolls are invited. The claims shall be made in Form III and objections in Form IV duly filled in, and they must reach the undersigned not later than the... .. day of..... 19... .. corresponding to the... .. day of... .. (B.S.).

Registering Authority.

Date.....

N.B.—Copies of the Forms III and IV will be supplied free by the Registering Authority to the voters on application at the Borough Offices or the Central Municipal Office as the Registering Authority may think fit.

Published in the *Calcutta Gazette* Part I, dated the 1st January 1953.

DEPARTMENT OF EXCISE

No. 418Ex.—15th December 1952.—In exercise of the powers conferred by sub-rule (3) of rule 1 of the **West Bengal Opium (Restriction) Rules 1952**, the Governor is pleased to specify the 1st April 1953 as the date on which, and the areas mentioned in the schedule below as the areas in

which the West Bengal Opium (Restriction) Rules, 1952 [other than rules 1, 2, and 4 (thereof)] shall come into force—

The Schedule.

- The district of Burdwan.
- The district of Birbhum.
- The district of Bankura.
- The district of Midnapore.
- The district of Hooghly.
- The district of Howrah (excluding the areas included in the Calcutta district).
- The district of 24-Parganas (excluding the areas included in the Calcutta district).
- The Calcutta district (as defined in the Bengal Excise Act, 1909).
- The district of Nadia.
- The district of Murshidabad.
- The district of West Dinajpur.
- The district of Jalpaiguri.
- The district of Malda.
- The district of Darjeeling.
- The district of Cooch Behar.

DEPARTMENT OF FOOD, RELIEF AND SUPPLIES

No. 4362S.D.—20th December, 1952.—In exercise of the powers conferred by sub-section (1) and in particular, by clauses (c), (d), (e), (f), (g), (h), (i) and (j) of sub-section (2) of section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), read with the notification No. 73/1-TA/46, dated the 23th December 1946, of the Government of India in the Department of Industries and Supplies, the Governor is pleased to make the following further amendments in the West Bengal Cotton Cloth and Yarn Control Order, 1948, namely :—

Amendments.

1. In sub-paragraph (1) of paragraph 19 of the said Order,—
 - (i) for item (c), *substitute* the following :—
“(c) only the license number of the purchaser, if he is a dealer.”
 - (ii) for item (d), *substitute* the following :—
“(d) a brief description of goods sold.”
 - (iii) *omit* item (g).
2. In paragraph 18 of the said Order, *omit* sub-paragraph (1).

HIGH COURT AT CALCUTTA

No. 8291E.—23rd December 1952.—The following rule, framed by the High Court at Calcutta, under sections 8 and 9 of the **Legal Practitioners Act, 1879** (XVIII of 1879), amending the rules relating to the enrolment of the legal practitioners, is published for general information :—

Rule.

In rule 947A (as introduced by slip No. 716 and amended by slips Nos. 753, 765, 775 and notification No. 6364E., dated the 7th December 1951, published in Part I, page 3-02 of the *Calcutta Gazette*, dated the 13th *idem*), page 375 of the Civil Rules and Orders, Volume I :—

- (i) *Substitute* “1953” for “1952” in lines 13 and 16 ;
- (ii) *Substitute* “1953” for “1952” in line 1 of the Note, below the rule.

— — —

Published in the *Calcutta Gazette*, Part I, dated the 8th January 1953.

LOCAL SELF-GOVERNMENT DEPARTMENT

No. M.3R-24/52.—28th December 1952.—In exercise of the power conferred by section 122 of the **Bengal Municipal Act, 1932** (Bengal Act XV of 1932), the Governor is pleased to make the following amendment in the rules published with notification No. 6499M., dated the 21st November 1935, as subsequently amended :—

Amendment

- In form 59 annexed to the said rules—
- (1) in the heading of column 3 for the word "Name" substitute the words "Name—Sex";
- (2) in the heading of the column 4 for the words "Father's name" substitute the words "Father's/Husband's name"; and
- (3) in the heading of column 18, for the word "he" substitute the words "he/she" and for the word "his" substitute the words "his/her".

LABOUR DEPARTMENT

No. 7Dis./D/1A-3(B)/52.—2nd January 1953.—In exercise of the power conferred by sub-section (4) of section 1 of the **Bengal Shops and Establishments Act, 1940** (Bengal Act XVI of 1940), the Governor is pleased to specify the area set out in the schedule hereto as other areas referred to in the said sub-section to which the said Act shall apply :—

Schedule

The municipal area of Bongaon.

Published in the *Calcutta Gazette*, Part I, dated the 15th January, 1953.

FINANCE DEPARTMENT

No. 17F.T. - 6th January 1953 — In exercise of the power conferred by section 26 of the **Bengal Finance (Sales Tax) Act, 1941** (Bengal Act VI of 1941), the Governor is pleased to make, after previous publication as required by sub-section (1) of the said section, the following amendments in the Bengal Sales Tax Rules, 1941, as subsequently amended, namely :—

Amendment.

In rule 86 of the said rules, omit the words and figures "for a decision upon any of the matters referred to in section 18 and".

No. 23F.T.—7th January 1953.—In exercise of the power conferred by section 26 of the **Bengal Finance (Sales Tax) Act, 1941** (Bengal Act VI of 1941), the Governor is pleased to make, after previous publication as required by sub-section (1) of the said section the following amendments in the Bengal Sales Tax Rules, 1941, as subsequently amended, namely :—

Amendments.

After sub rule (6) of rule 27A of the said rules, add the following sub-rules :—

(7) A declaration form in respect of which a report has been received by a Commercial Tax Officer under sub-rule (3) shall not be valid for the purpose of sub-rule (2)

(8) The Commissioner shall from time to time publish in the *Calcutta Gazette* the particulars of the declaration form in respect of which a report is received under sub-rule (3).

No. 30F.T.—7th January 1953.—In exercise of the power conferred by section 26 of the **Bengal Finance (Sales Tax) Act, 1941** (Bengal Act VI of 1941), the Governor is pleased to make, after previous publication as required by sub-section (1) of the said section, the following amendment in the Bengal Sales Tax Rules, 1941, as subsequently amended, namely :—

Amendment.

In the Note below clause (a) of sub-rule (2) of rule 1 for item (1) *substitute* the following, namely :—

“(1) The Government Commercial Course Final Examination of the Goenka College of Commerce and Business Administration, Calcutta.”

No. 42F.T.—9th January 1953.—In exercise of the power conferred by sub-section (1) of section 11 of the **Bengal Amusements Tax Act, 1922** (Bengal Act V of 1922), the Governor is pleased to authorise officers of the Calcutta Police, not below the rank of Sub-Inspectors, attached to the Enforcement Branch working under the Home (Anti-Corruption) Department of this Government, to enter any cinema house in Calcutta while the cinema show is proceeding or at any reasonable times with a view to seeing whether the provisions of Chapter I of the said Act and any rules made thereunder are being complied with.

2. This notification shall remain in force from the date of publication in the *Calcutta Gazette* up to 31st January 1953.

Published in the *Calcutta Gazette*, Part I, dated the 18th September 1952.

Finance Department.

No. 1840F.T.—21st August 1952.—In exercise of the power conferred by section 26 of the **Bengal Finance (Sales Tax) Act, 1941** (Bengal Act VI of 1941), the Governor is pleased to make after previous publication as required by sub-section (1) of the said section the following amendments in the Bengal Sales Tax Rules, 1941, as subsequently amended, namely :—

Amendments.

In the said rules,—

(1) In clause (i) of sub-rule 2 of rule 1 *omit* the words and figures “in Form III”.

(2) For rule 2 *substitute* the following rule, namely :—

“2. For the purpose of sub-clause (i) of clause (h) of section 2 the portion of the amount of the money consideration for a contract representing the price of goods supplied in the execution of the contract shall be,—

(1) in the case where the dealer produces to the satisfaction of the assessing authority evidence showing the cost of materials and the cost of labour involved in the execution of the contract, $\frac{X}{X+Y}$, where X and Y are respectively the cost of materials and the cost of labour so involved ; or

(2) in other cases—

(a) 80 *per cent.* where the contract is an electrical contract ;

(b) 70 *per cent.* where the contract is a structural contract ;

(c) 66½ *per cent.* where the contract is a sanitary or gas contract ;

(d) 40 *per cent.* where the contract is for overhaul or repair of a motor vehicle or sea-going vessel.”

(3) In rule 3,—

(a) *omit* clause (1), (2), (9) and (16) ;

(b) to clause (4) *add* the following further proviso :—

“Provided further that a dealer who wishes to claim deduction under this clause shall, on demand, produce in respect of such a sale the copy of the relevant cash memo. or bill, according as the sale is a cash sale or a sale on credit, and a declaration in writing signed by the purchasing dealer or by such responsible person as may be authorised in this behalf by such

dealer that the goods in question are specified in the certificate granted to such dealer under this clause and are required by such dealer either for use in manufacturing goods for sale or in executing contracts.”;

(a) for clause (5), *substitute* the following clause, namely :—

“(5) Sales to which the provisions of sub-clause (iii) of clause (a) of sub-section (2) of section 5 would apply if the purchaser were registered as a dealer under section 8, when the Commissioner is satisfied that such a purchaser has established, is establishing or intends to establish a business for the purpose of raising coal to the annual saleable value of more than Rs. 10,000 and has granted such purchaser a certificate to this effect :

Provided that such certificate shall be valid for a period of only three months from the date of its issue, but may, at the discretion of the Commissioner, be renewed upon an application made by the purchaser :

Provided further that a dealer who wishes to claim deduction under this clause shall, on demand, produce in respect of such a sale the copy of the relevant cash memo. or bill, according as the sale is a cash sale or a sale on credit, and a declaration in writing signed by the purchasing dealer or by such other person as may be authorised in this behalf by such dealer, that the goods in question are specified in the certificate granted to such dealer under this clause and are directly required by such dealer for use in connection with the raising of coal.”;

(4) For rule 4 *substitute* the following rule, namely :—

“4. An application for registration under section 7 or section 8 shall be made to the appropriate Commercial Tax Officer. It shall be—

(i) made in Form IA by a dealer having only one place of business in West Bengal and in Form IB by a dealer having more than one place of business in West Bengal ;

(ii) signed by the proprietor of the business ; or in the case of a firm, by one of its partners ; or in the case of a business of a Hindu undivided family, by the *karta* of the family ; or in the case of a company incorporated under the Indian Companies Act, 1913, by a Director, managing agent or principal officer thereof ; or in the case of Government, by a duly authorised officer ; or in the case of any other association of individuals, by the principal officer managing the business ; and

(iii) verified in the manner provided in the said Form IA or IB.

(5) *Renumber* the existing rule 5 as sub-rule (1) of that rule and in sub-rule (1) as so renumbered, —

(a) in clause (xi) *omit* the word “and”, and

(b) *after* clause (xii) *add* the following clause, namely :—

“(xiii) the year by reference to which the accounts are maintained in his books”.

(6) *After* sub-rule (1) of rule 5 as so renumbered, *add* the following new sub-rule, namely :—

“(2) A registered dealer may, with the permission of the assessing authority, change his accounting year on such terms and conditions as may be determined by such authority.”

(7) In clause (d) of sub-rule (1) of rule 7, *omit* the words and figures “in Form III”.

(8) In sub-rule (2) of rule 13, for the words “forward to the State Government for publication” *substitute* the word “publish”.

(9) In sub-rule (2) of rule 14, for the words “forward the same to the

State Government for publication" *substitute* the words "publish the same".

(10) *For* rule 17 *substitute* the following rule namely :—

"17. Every registered dealer who establishes to the satisfaction of the appropriate Commercial Tax Officer that his annual taxable turnover is not likely to exceed 10 *per cent.* of his annual gross turnover shall furnish a return annually within sixty days from the expiry of each year with effect from such year as the Commercial Tax Officer may direct."

(11) *Omit* rule 18.

(12) *For* rule 19 *substitute* the following rule, namely :—

"19. When the taxable turnover of any registered dealer referred to in rule 17 exceeds, in any year, 10 *per cent.* of the average annual gross turnover calculated over the latest three years for which figures are available, the appropriate Commercial Tax Officer may fix a fresh return period for such dealer;—but ordinarily he shall not reduce the return period unless he is satisfied that the excess over 10 *per cent.* is likely to continue."

(13) *Omit* rule 20.

(14) *For* rule 21 *substitute* the following rule, namely :—

"21. Every registered dealer other than those referred to in rule 17 shall furnish returns quarterly within thirty days from the expiry of each quarter."

(15) *For* rule 21A *substitute* the following rule, namely :—

"21A. The assessing authority may, on application made in this behalf, extend the time provided in rule 17 or rule 21 for the submission of the return for any return period and a return submitted for such return period within the time so extended shall be deemed to be submitted by the prescribed date for the purposes of sections 10, 11 and 22."

(16) *For* rule 22 *substitute* the following rule, namely :—

"22. Subject to the provisions of rule 24 the return period fixed for any registered dealer under rule 19 or 21 shall remain in force for not less than three years and thereafter shall continue to remain in force until the appropriate Commercial Tax Officer fixes a different return period in accordance with these rules."

(17) *For* rule 23 *substitute* the following rule, namely :—

"23. The Commercial Tax Officer or any other officer taking action under rules 17, 19, 30 or 32 shall, in exercising his discretion under those rules, pay due regard to such figures of the dealer's turnover for the three years immediately preceding as may be available to him."

(18) *For* rule 24 *substitute* the following rule, namely :—

"24. Notwithstanding the provisions of rules 17 and 21, the appropriate Commercial Tax Officer may, with the prior approval of the Assistant Commissioner and for reasons to be recorded in writing, fix monthly return period for a dealer who would otherwise be required to furnish returns annually or quarterly under these rules."

(19) *For* rule 25 *substitute* the following rule, namely :—

"25. A dealer for whom monthly return period has been fixed under rule 24 shall furnish a return for each month by such date within the following month as may be specified in his certificate of registration."

(20) *For* rule 26 *substitute* the following rule, namely :—

"26. (1) Every registered dealer referred to in sub-rule (1) of rule 48 shall furnish return in Form III.

(2) Every dealer referred to in sub-rule (2) of rule 48 shall, if and

when registered under the provisions of the Act, furnish return in Form III."

(21) *After rule 26 insert the following rule, namely :—*

"26A. Every registered dealer other than those referred to in rule 26 and every dealer to whom permission is granted under sub-rule (3) of rule 48 shall furnish return in Form IIIA."

(22) *For rule 27 substitute the following rule, namely :—*

"27. Every return in Form III or Form IIIA, as the case may be, which is required to be furnished under these rules, shall be—

(i) signed in the same manner as has been prescribed for signing an application for registration under rule 4 ;

(ii) verified in the manner prescribed in the said Form III or IIIA ;
and

(iii) sent to the assessing authority."

(23) *For rule 27A substitute the following rule, namely :—*

"27A. (1) A dealer who wishes to deduct from his gross turnover the amount in respect of a sale on the ground that he is entitled to make such deduction under the provisions of sub-clause (ii) of clause (a) of sub-section (2) of section 5 shall, on demand, produce in respect of such a sale,—

(a) in any case of sale of tea through a broker-member, a copy of the relevant account of sale rendered by the broker-member and a declaration in writing signed by the broker-member or by such other person as may be authorised in this behalf by the broker-member that the goods in question are specified in the certificate of registration of such broker-member and have been sold to registered dealers authorised, under the certificates of registration of such registered dealers, to purchase tea either for resale or for use in the manufacture of goods for sale, and

(b) in any other case, the copy of the relevant cash memo. or bill, according as the sale is a cash sale or a sale on credit, and a declaration in writing signed by the purchasing dealer or by such other person as may be authorised in this behalf by such dealer that the goods in question are—

(i) specified in the certificate of registration of such dealer and are intended for resale or are required by such dealer for use by him either in the manufacture of goods for sale or in the execution of any contract, or

(ii) required by such dealer for the packing of any goods.

(2) A dealer wishing to make a deduction under sub-rule (1) shall not accept, nor shall a broker-member or purchasing dealer give, a declaration mentioned in the said sub-rule except in a form obtainable by the broker-member or purchasing dealer from the appropriate Commercial Tax Officer on application.

(3) Every registered dealer shall maintain in a register in Form XXIII true account of every declaration form received from the Commercial Tax Officer and, if any declaration form is lost or destroyed or stolen, he shall report the same to the appropriate Commercial Tax Officer immediately and shall make appropriate entries in the remarks column of the register in Form XXIII.

(4) The register in Form XXIII shall be kept in the place of business of the dealer and shall at all reasonable times be open to inspection by the Commissioner or by such other authority as may be authorised by the Commissioner in this behalf.

(5) The declaration form referred to in sub-rule (1) shall be in Form

XXIV. Unused forms remaining in stock with a registered dealer or a broker-member on the cancellation of his registration certificate shall be surrendered to the Commercial Tax Officer immediately after such cancellation.

(6) No registered dealer or broker-member to whom a declaration form is issued by the Commercial Tax Officer shall transfer the same to another person except for the purpose of sub-rule (2)."

Explanation.—In this rule "broker-member" means a broker-member of the Calcutta Tea Traders' Association.

(24) In rules 30, 33, 36, 37, 43 and 44 omit the words and figures "in Form III" wherever they occur.

(25) In rule 46,—

(a) for the words and figures "who does not elect to pay his tax in advance under rule 48" substitute the words and figures "who is required under these rules to furnish return in Form III"; and

(b) for the words, brackets and figures "sub-section (1) or (2) of section 4" substitute the words, brackets and figures "sub-section (1) or sub-section (2) or sub-section (4) of section 4."

(26) In sub-rule (1) of rule 47, for the words and figures "whether or not paying tax in advance under rule 48" substitute the words and figures "who is required to furnish return in Form III under these rules."

(27) In rule 48,—

(a) for sub-rules (1) and (2) substitute the following sub-rules, namely :—

"(1) Every registered dealer who immediately before the commencement of clause (f) of section 2 of the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950, was required to submit return in Form III shall be deemed to have elected that in his case the turnover in relation to any period means the aggregate of the sale-prices or parts of the sale-prices actually received by him during such period after deducting the amounts, if any, refunded by him in respect of the goods returned by the purchaser within such period and shall confirm the same in a declaration in Form XI communicated to the appropriate Commercial Tax Officer within one month from the commencement of the said section of the said Act.

(2) Every unregistered dealer who may elect that in his case the turnover in relation to any period means the aggregate of the sale-prices or parts of the sale-prices actually received during such period after deducting the amounts, if any, refunded in respect of goods returned by the purchaser within such period shall, within one month of the commencement of clause (f) of section 2 of the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950, or of the commencement of his business, whichever is later, communicate such election in Form XII to the appropriate Commercial Tax Officer.

(3) Every dealer who is deemed to have made an election under sub-rule (1) or who has made an election under sub-rule (2) may, with the previous permission of the authority to whom the power under the proviso to clause (i) of section 2 has been delegated by the Commissioner and on such terms and conditions as may be imposed by such authority, alter his election so that the turnover in relation to any period in his case shall mean the aggregate of the sale-prices or parts of the sale-prices receivable by him during such period after deducting the amounts, if any, refunded by him in respect of any goods returned by the purchaser within such period.";

(b) *renumber* the existing sub-rule (3) as sub-rule (4) ;

(i) *in* sub-rule (4) as so renumbered, *for* the words, figure and brackets "pays tax in advance under sub-rule (1)" *substitute* the words and figures "is required to furnish return in Form IIIA under these rules".

(28) *In* the table appended to rule 71,—

(a) *before* the entries in serial No. 1 *insert* the following serial No. and entries, namely :—

Serial No.	Section	Description of power	Description of officer
1	2	3	4
"a	2(i)	To grant permission to alter election.	Commercial Tax Officer."

(b) *against* serial No. 2 *for* the entries in column 2, *substitute* the entries "7, 8 and 17";

(29) *For* rule 75 *substitute* the following rule, namely :—

"75. A memorandum of appeal shall be in duplicate, and may be presented to the appellate officer by the appellant or by an agent duly authorised by him or may be sent to the appellate officer by post."

(30) *In* rule 76,—

(a) *to* clause (i) *add* the following sub-clauses *after* sub-clause (c), namely :—

"(d) the date of the receipt of the notice issued under sub-section (3) of section 11 in respect of the assessment appealed against ;

(e) the amount of tax admitted to be due from the appellant ;";

(b) *after* clause (iv) *add* the following clause and *Explanation* :—

"(v) shall, as far as possible, be in Form XXI.

Explanation.—The original copy of the memorandum of appeal shall, after being verified in the manner indicated therein, be signed by the dealer or by his authorised agent in this behalf."

(31) *In* rule 77, *for* the words, brackets and figures "either clause (i) or (ii) of that rule" *substitute* the words, brackets and figures "clause (i), clause (ii) or clause (v) of that rule after giving the appellant such opportunity as the appellate officer thinks fit to amend the memorandum of appeal so as to bring it into conformity with such requirements."

(32) *In* rule 80,—

(a) *at* the end of the proviso to sub-rule (1) *add* the following words, brackets and figures, namely :—

"and that the provisions of clause (v) of rule 76 shall not apply to an application for revision or review;"

(b) *after* sub-rule (2) *add* the following sub-rules, namely :—

"(3) When an application is made by a dealer for revision of an order passed on appeal against an order of assessment or penalty or both, the application shall be filed in duplicate and shall, as far as possible, be made in Form XXII.

Explanation.—The original copy of the application for revision shall, after being verified in the manner indicated therein, be signed by the dealer or by his authorised agent in this behalf.

(4) An application for revision, other than an application referred to in sub-rule (3), shall be filed in duplicate, the original copy being verified and signed in the manner provided in sub-rule (1).

(5) The Commissioner or any other authority to whom power in this behalf has been delegated by the Commissioner, shall not, of his own motion, revise any assessment made or order passed under the Act or the rules thereunder if—

(i) the time within which an appeal or application for revision, as the case may be, may be made before him has not expired ; or

(ii) the assessment has been made or the order has been passed more than four years previously :

Provided that any assessment made or order passed under the Act before the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950, may be revised by such authority at any time within four years from the commencement of the said Amendment Act if the time within which an appeal or application for revision, as the case may be, may be made has expired.

(6) The Commissioner or any other authority appointed under the Act shall not, of his own motion, review any assessment made or order passed under the Act or the rules thereunder if—

(i) the time within which an application for review may be made before him has not expired ; or

(ii) the assessment has been made or the order has been passed more than four years previously :—

Provided that any assessment made or order passed under the Act or the rules thereunder before the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950, may be reviewed by such authority at any time within four years from the commencement of the said Amendment Act if the time within which an application for review may be made has expired."

(33) For Forms IA and IB substitute the following Forms, namely :—

FORM IA.

For Dealers with only one place of business in West Bengal.

(See rule 4)

* * * * *

FORM IB.

For dealers having more than one place of business in West Bengal.

(See rule 4)

* * * * *

(34) In Forms IIA and IIB,

(a) for the words and figures "in Form III", substitute the words and figures "in Form III/IIIA**",

(b) at the end insert the following words :—

"This certificate is valid from..... until cancelled.", and

(c) in the footnote to each of these Forms, add the following :—

**Strike out whichever is not applicable.

(35) In Form III, for the brackets and figures "(see rules 17 to 29)", substitute the brackets and figures "(see rule 26)",

(36) In Form IIIA, for the words, figures and brackets "(see rules 17 to 29 and 48.)", substitute the brackets, figure and letter "(see rule 26A.)".

(37) In sub-clause (c) in Form VI,—

(a) omit the words "you import into West Bengal/manufacture/produce goods for sale"; and

(b) for the words and figure "wilfully failed to apply for registration under section 7 of the said Act" substitute the words "failed to get yourself registered".

(38) After Form X insert the following Forms, namely :—

FORM XI.

[See rule 48 (1).]

TO

THE COMMERCIAL TAX OFFICER

OF THE.....CHARGE.

We (.....) are a registered dealer holding registration certificate No..... We submit our returns in Form III.

We hereby elect that in our case the turnover in relation to any period means the aggregate of the sale-prices or parts of the sale-prices actually received during such period, after deducting the amounts refunded in respect of any goods returned by the purchaser within such period.

Signature.....

Designation.....

Address.....

Date.....

*State here the full name and style of the business.

The signature shall be made as under rule 4.

FORM XII.

[See rule 48(2).]

TO

THE COMMERCIAL TAX OFFICER

OF THE.....CHARGE.

We.....carrying on business of selling and supplying goods in West Bengal at.....are an unregistered dealer. We hereby elect that in our case the turnover in relation to any period means the aggregate of the sale-prices or parts of the sale-prices actually received during such period, after deducting the amounts refunded in respect of any goods returned by the purchaser within such period.

Signature... ..

Designation... ..

Address.....

Date.....

*State here the full name and style of the business.

The signature shall be made as under rule 4.

(39) After Form XX add the following Forms, namely :—

FORM XXI.

Form of appeal against an order of assessment or penalty under section 11 of the Bengal Finance (Sales Tax) Act, 1941.

(See rule 76.)

TO

THE

The.....day of.....19...

(a) Period of assessment.....

(b) Date of order appealed against.....

(c) Name and Designation of the officer who passed the order.....

(d) (i) Amount of tax assessed.....

(ii) Amount of penalty imposed.....

Total

(e) Amount of tax admitted... ..

(f) Amount of tax in dispute

The petition of carrying on business known as bearing registration certificate No. whose only/chief place of business is situated at sheweth as follows :—

1. Under the Bengal Finance (Sales Tax) Act, 1941, your petitioner has been assessed for a taxable turnover of Rs.....for the period mentioned above.

2. Under sub-section (1)/(2) of section 11 of the Act a penalty of Rs. has been imposed on your petitioner.

3. The notice of demand issued under sub-section (3) of section 11 and received on... .. is attached hereto.

3. A certified copy of the order appealed against is attached.

5. Your petitioner has paid all tax assessed and penalty imposed under the order appealed against by treasury challan No.....dated

6. Your petitioner's gross turnover and taxable turnover, according to the provisions of the Act, of the business abovementioned for the period of assessment amounted to Rs and Rs. respectively.

7. Such turnover was the whole turnover of your petitioner during the period of assessment. Your petitioner had no other turnover either taxable or otherwise during the said period.

8. Your petitioner has made a return of his turnover to the office of under section 10(2) of the Act and has complied with all the terms of the notice served on him by..... under section 11 of the Act.

9. Being aggrieved by the aforementioned order of.....your petitioner begs to prefer this appeal on the following among other

GROUND8.

(Here enter the grounds on which you rely for the purpose of this appeal).

10. Your petitioner, therefore, prays that he may be assessed accordingly or that he may be declared not to be chargeable to tax under the Act or that the assessment may be cancelled and/or remanded to..... for reassessment or that the order of the..... imposing a penalty of Rs.....upon your petitioner may be set aside or that he may be granted such relief or reliefs as may be deemed just and proper.

Verification.

I,.....,the petitioner named in this petition do hereby declare that all tax admitted to be due in respect of the order of assessment appealed against has been paid by treasury challan No., dated... .., and that what is stated herein is true to the best of my knowledge and belief.

*Signature

Designation....

*To be signed by the appellant or by an agent duly authorised in writing in this behalf by the appellant.

NOTE.—Strike out whichever phrases or paragraphs are inapplicable.

FORM XXII.

Form of application for revision under section 20(3) of the Bengal Finance (Sales Tax) Act, 1941.

(See rule 80.)

To

THE

The.....day of 19...

- NOTE.**—Strike out whichever phrases or paragraphs are inapplicable.

FORM XXIII.
Register of Written Declaration.
(See rule 27A.)

* * * * *

FORM XXIV.
Form of Declaration
(See rule 27A.)
COUNTERFOIL.

* * * * *

FORM XXIV
Form of Declaration
(See rule 27A.)

Published in *Calcutta Gazette*, Extraordinary, Pt. I, dated 29th December 1951.
DEPARTMENT OF FOOD, RELIEF AND SUPPLIES.

No. 12754 F.D.—29th December 1952.—In exercise of the powers conferred by paragraph 17 and clause 7 of Form B in Schedule I to the **West Bengal Rice Mills Control Order, 1949**, published under notification No. 16926 F.D., dated the 19th December 1949, in the *Calcutta Gazette, Extraordinary*, of the 21st December 1949, at pages 1255-1264, as subsequently amended, I hereby authorise the following officers to exercise the powers referred to in the said paragraph and the said clause within their respective jurisdictions, namely :—

- (1) All Chief Inspectors of the Directorate of Procurement and Supply.
- (2) All Inspector-Assessors of the Directorate of Procurement and Supply.
- (3) All Junior Assessors of the Directorate of Procurement and Supply.

K. C. BASAK, *Food Commissioner*.

No. 12739 F.D.—29th December 1952.—In exercise of the power conferred by sub-paragraph (1) of paragraph 5 of the **West Bengal Foodgrains (Intensive Procurement) Order, 1952**, published under Order No. 10363 F.D./FD/14R/21/52, dated the 22nd October 1952, in the *Calcutta Gazette, Extraordinary*, of the 23rd October 1952, as subsequently amended, the Governor is pleased to make the following amendments to the notification No. 11214 F.D., dated the 15th November 1952, published in the *Calcutta Gazette, Extraordinary*, of the 15th November 1952, namely :—

Amendments.

In the said notification,—

- (a) after the words "All District Magistrates" insert the words "and Additional District Magistrates"; and
- (b) after the words "All Deputy Commissioners" insert the words "and Additional Deputy Commissioners".

Published in *Calcutta Gazette*, Extraordinary, Pt. I, dated 13th January 1953.
DEPARTMENT OF FOOD, RELIEF AND SUPPLIES.

No. 333 F.D./FD/14R-12/51.—13th January 1953.—In exercise of the power conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), and in particular by clauses (a), (c), (d), (f), (g), (h), (i) and (j) of sub-section (2) of that section and with the notification of the Government of India in the Department of Food No. PY-603(2)/1, dated the 21st October 1946, as subsequently amended, the Governor, with the concurrence of the Central Government, is pleased to make the following amendments in the **West Bengal Rice Mills Control Order, 1949**, published under notification No. 16926 F.D.,

dated the 19th December 1949, at pages 1255-1264 of Part I of the *Calcutta Gazette, Extraordinary*, of the 21st December 1949, as subsequently amended, namely :—

Amendments.

1. In sub-paragraph (2) of paragraph 15 of the said Order *omit* the words "or to any licensee of husking machine".

2. After sub-paragraph (2) of paragraph 15 of the said Order, *add* the following new sub-paragraph, namely :—

"(3) Notwithstanding anything contained in sub-paragraph (1) no permit of the nature referred to in that sub-paragraph shall be necessary in any case where rice husked is taken delivery of from a husking machine."

3. In sub-clause (2) of condition 6 of Form B of Schedule I to the said Order *omit* the words "or husking machine".

4. In clause 1 of Form E of Schedule I to the said Order *omit* the words "Husking machine".

Published in the *Calcutta Gazette*, Pt. I, dated the 15th January 1953.

LOCAL SELF-GOVERNMENT DEPARTMENT.

No. M.I.T-8/52.—3rd January 1953.—In exercise of the powers conferred by sub-section (1) of section 557 of the **Bengal Municipal Act, 1932** (Bengal Act XV of 1932), the Governor is pleased to make the following amendment in Schedule IV to the said Act :—

Amendment

For the existing serial Nos. 2 and 4 and the corresponding entries in columns 2 and 3 of the said schedule *substitute* the following :—

Serial No.	Classes.	Maximum half-yearly tax in rupees.
"2 Merchant, banker, not being a registered co-operative society, money-lender, wholesale trader, owner or occupier of a market, bazar or theatre or place of public entertainment, broker or dala in jute, cotton, precious stones, landed property country produce, silk or other merchandise, retail trader or shop-keeper, boarding-house-keeper, hotel-keeper, lodging-house-keeper, tea-stall-keeper, eating-house-keeper, whose place of business is valued under this Act at not less than—		
(a)	Rs. 1,000 per mensem	125
(b)	Rs. 500 " "	100
(c)	Rs. 250 " "	75
(d)	Rs. 100 " "	50
(e)	Rs. 50 " "	25
(f)	Rs. 25 " "	12
(g)	Rs. 12 " "	4
(h)	Rs. 6 " "	2
(i)	Rs. 3 " "	1"

Published in *Calcutta Gazette*, Extraordinary, Pt. I, dated 19th Jany., 1953.

DEPARTMENT OF FOOD, RELIEF AND SUPPLIES.

No. 609/F.D.—19th January 1953.—In exercise of the power conferred by clause (a) of paragraph 3 of the **West Bengal Rice Mills Control**

Order, 1949, published under notification No. 16926F D., dated the 19th December 1949, in *Calcutta Gazette, Extraordinary*, of the 21st December 1949, at pages 1255-1264, as subsequently amended, I hereby authorise the following officers to perform the functions of the Commissioner under sub-paragraph (1) of paragraph 15 of the said order within their respective jurisdictions, namely:—

All Deputy Assistant Regional Controllers of Procurement.

K. C BASAK, *Food Commissioner*.

Published in the *Calcutta Gazette*, Pt. I, dated the 22nd January 1953.

DEPARTMENT OF FOOD, RELIEF AND SUPPLIES.

No. 71S.D.—12th January 1953.—In exercise of the powers conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), and in particular by clauses (d), (i) and (j) of sub-section (2) of that section, read with notification No. P-110, dated the 19th November 1946, of the Government of India in the Department of Works, Mines and Powers, the Governor is pleased to make the following amendments in the **West Bengal Kerosene Control Order, 1947**, published under notification No. 22059-D.C.S., dated the 29th December 1947, in the *Calcutta Gazette, Extraordinary* of the 30th December 1947, as subsequently amended, namely:—

Amendments.

1. In form A appended to the said Order *after* condition No. 12, *insert* the following as a new condition:—

“12A. The licensee shall not, in the areas where the West Bengal Fire Services Act, 1950, is in force, store any quantity of kerosene in any building or place exceeding 40 gallons at a time unless he holds a proper license for storing such quantity in such building or place in accordance with the requirement of the provisions of the West Bengal Fire Services Act, 1950.”

2. In Form B appended to the said Order *after* condition No. 12, *insert* the following as a new condition:—

“12A. The licensee, in the areas where the West Bengal Fire Services Act, 1950, is in force, shall not store any quantity of kerosene in any building or place exceeding 40 gallons at a time unless he holds a proper license for storing such quantity in such building or place in accordance with the requirement of the provisions of the West Bengal Fire Services Act, 1950.”

No. 72S.D.—12th January 1953.—In exercise of the powers conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), and in particular by clause (d) of sub-section (2) of that section, read with notification No. 349, dated New Delhi, the 10th April 1947, of the Government of India, in the Department of Industries and Supplies, the Governor is pleased to make the following amendment in the **West Bengal Soft Coke Distribution Order, 1947**, as subsequently amended, namely:—

Amendment.

In clause 7 of Form B appended to the said Order, *after* condition 6 of the conditions of license *add* the following condition:—

“7. The licensee shall not, in the areas where the West Bengal Fire Services Act, 1950, is in force, store any quantity of soft coke in any building or place exceeding four tons at a time unless he holds a proper license for storing such commodity in such building or place in accordance with

the requirement of the provisions of the West Bengal Fire Services Act, 1950 ”

No. 978.D.—15th January 1953.—In exercise of the powers conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), and in particular by clause (d) of sub-section (2) of that section, read with notification No. 349, dated the 10th April 1947, of the Government of India in the Department of Industries and Supplies, the Governor is pleased to make the following amendments in the **West Bengal Soft Coke Distribution Order, 1947**, as subsequently amended, namely :—

Amendment.

(1) In sub-paragraph (2) of paragraph 11 of the said Order for the words “in such form as the Director may determine” *substitute* the words and letter “in form C appended to this Order”.

(2) After form B appended to the said Order, *add* the following form, namely :—

“FORM C.

Form of receipt of application for renewal of a license.

(See paragraph 11(2).)

Token.....

Received from of an application for renewal of license No. under the West Bengal Soft Coke Distribution Order, 1947, together with licence fees in non-judicial stamp amounting to Rs. and this token along with the above old licence will be the authority for the applicant to continue his business until the renewal is granted or refused

This token will be valid until the application is granted or refused.

*Signature of the officer,
granting the receipt.”*

Date

No. 5' S.D.—7th January 1953.—In exercise of the power conferred by sub-paragraph (3) of paragraph 1 of the **West Bengal Soft Coke Distribution Order, 1947**, the Governor is pleased to direct that the West Bengal Soft Coke Distribution Order, 1947, published in Part I of the *Calcutta Gazette* of the 11th September 1947, at page 76, as subsequently amended, shall come into force throughout the District of West Dinajpur from the date of publication of this notification in the *Calcutta Gazette*

No. WB/VIII-C-95/461/11(Fu).—13th January 1953.—In exercise of the powers conferred on me by second proviso to sub-paragraph (1) of paragraph 7 of the **West Bengal Kerosene Control Order, 1947**, I hereby extend up to 9th February 1953 the time for filing applications for renewal of licenses for 1953-54 of all licenses issued under the said order.

No. XIIC(99)A3/50/Pt/462/7(Fu).—13th January 1953.—In exercise of the powers conferred on me by sub paragraph (1) of paragraph 11 of the **West Bengal Soft Coke Distribution Order, 1947**, I hereby extend up to the 9th February 1953 the time for filing applications for renewal of licenses for 1953-54 of all licenses issued under the said order.

A. K. SEN,

Dy. Director of Consumer Goods.

Published in the *Calcutta Gazette*, Pt I, dated the 29th January 1953.

DEPARTMENT OF FOOD, RELIEF AND SUPPLIES

No. 948.D.—15th January 1953.—In exercise of the powers confer-

red by sub-section (1), and in particular, by clause (b) of sub-section (2) of section 3 of the **West Bengal Cement Control Act, 1948**, (West Bengal Act XXVI of 1948), the Governor is pleased to make the following amendment in the Order published with notification No. 10333D.C.S., dated the 18th August 1948, at pages 683-686 of Part I of the *Calcutta Gazette, Extraordinary*, of the 19th August 1948, as subsequently amended, namely :—

Amendment

In the explanation to paragraph 4 of the said Order, for the words "Subdivisional Controller of Supplies" *substitute* the words "Subdivisional Controller of Food and Supplies or Additional Subdivisional Controller of Food and Supplies".

No. 1108.D.—16th January 1953.—In exercise of the powers conferred by sub-section (1), and in particular by clause (b) of sub-section (2) of section 3 of the **West Bengal Cement Control Act, 1948** (West Bengal Act XXVI of 1948), the Governor is pleased to make the following amendments in the Order published with notification No. 1193S.D., dated the 4th April 1951, published at page 684 of Part I of the *Calcutta Gazette, Extraordinary*, of the 4th April 1951, namely :—

Amendments.

For items (d) and (e) of the said Order, *substitute* the following, namely :—

"(d) Subdivisional Controllers, Food and Supplies or Additional Subdivisional Controllers, Food and Supplies

(e) Inspectors of Food and Supplies."

No. 1058.D.—17th January 1953.—In exercise of the power conferred by sub-paragraph (3) of paragraph 1 of the **West Bengal Soft Coke Distribution Order, 1947**, the Governor is pleased to direct that the West Bengal Soft Coke Distribution Order, 1947, published in Part I of the *Calcutta Gazette* of the 4th September 1947, at page 76, as subsequently amended, shall come into force throughout the district of Malda from the date of publication of this notification in the *Calcutta Gazette*.

Published in the *Calcutta Gazette, Extraordinary*, Pt. I, dated the 5th February 1953.

DEPARTMENT OF FOOD, RELIEF AND SUPPLIES.

No. 1090F.D.—5th February 1953.—In exercise of the power conferred by sub-paragraph (1) of paragraph 5 of the **West Bengal Foodgrains (Intensive Procurement) Order, 1952**, as subsequently amended, and in supersession of the notification No. 660F.D., dated the 21st January 1953, published in the *Calcutta Gazette, Extraordinary*, of the 21st January 1953, at pages 75-76, the Governor is pleased to empower the following officer to hear and decide appeals against orders in Form C under sub-paragraph (3) of paragraph 3 served on any producer or orders reducing the price of foodgrains referred to in sub-paragraph (8) of paragraph 3 of the said order, namely :—

Shri S. N. Banerjee, Deputy Magistrate and Deputy Collector,
Birbhum.

Where the lands in respect of which the orders appealed against have been made, are situated in the district of Birbhum.

• Published in the *Calcutta Gazette*, Part I, dated the 5th February 1953.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No. 577Vety.—19th January 1953.—In exercise of the powers conferred by section 14 of the **West Bengal Animal Slaughter Control Act**,

1950 (West Bengal Act XXII of 1950), the Governor is pleased to make the following amendments in the West Bengal Animal Slaughter Control Rules, 1950, published at pages 3205 to 3210 of Part I of the *Calcutta Gazette* of the 13th December 1951, namely :—

Amendments.

In the said rules—

(i) in rule 8, *after* the words “Director of Veterinary Services” *insert* the words “or the Assistant Director of Veterinary Services”;

(ii) in Form III, *after* the words “Director of Veterinary Services” in the two places where they occur, *insert* the words “/Assistant Director of Veterinary Services”;

(iii) in Form IV, *after* the words “Director of Veterinary Services” in the two places where they occur, *insert* the words “/Assistant Director of Veterinary Services”.

2. This notification shall be deemed to have effect and to have always had effect on and from the 13th December 1951.

DEPARTMENT OF FOOD, RELIEF AND SUPPLIES

No. 158S.D.—22nd January 1953.—In exercise of the power conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clause (d) of sub-section (2) of that section and the notification No. P-110, dated the 19th November 1946, of the Government of India in the Department of Works, Mines and Power, the Governor is pleased to make the following amendment in the **West Bengal Kerosene Control Order, 1947**, as subsequently amended namely :—

Amendment.

1. In sub-paragraph (2A) of paragraph 7 of the said order for the words “in such form as the Director may determine” *substitute* the words and letter “in form D appended to this Order”.

2. *After* form C appended to the said Order, *add* the following form, namely :—

FORM “D”.

Form of receipt of application for renewal of a license.

[See paragraph 7(2A).]

TOKEN

Received from _____ of _____
an application for renewal of agency/retail licence No. _____ under West Bengal Kerosene Control Order, 1947, together with licence fees in non-judicial stamp amounting to Rs. _____ and this token along with above old licence will be authority for the applicant to continue his business until the renewal is granted or refused.

This token will be valid until the application for renewal is granted or refused.

.....
Signature of the Officer granting the receipt.

Published in *Calcutta Gazette*, Extraordinary, Pt. I, dated 9th February 1953.
DEPARTMENT OF FOOD, RELIEF AND SUPPLIES.

No. 1178F.D.—9th February 1953.—In exercise of the power conferred by sub-section (1) and, in particular, by clauses (d) and (j) of sub-section (2), of section (3) of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with the notification of the Government of

India in the Department of Food No. PY-603(2)/1, dated the 21st October 1946, as subsequently amended, the Governor, with the concurrence of the Central Government, is pleased to make the following amendment in the **West Bengal Essential Foodstuffs Anti-Hoarding Order, 1951**, published with notification No. 909F.D., dated the 30th January 1951, at pages 91-94 of Part I of the *Calcutta Gazette, Extraordinary*, of the 31st January 1951, namely :—

Amendment.

In Schedules I and II to the said Order, for the words “*atta* and flour” *substitute* the words “*and atta*”.

No. 1187F.D.—9th February 1963—In exercise of the power conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (a), (e), (d), (f), (g), (h), (i) and (j) of sub-section (2) of that section and notification of the Government of India in the Department of Food No. PY.603(2)/1, dated the 21st October, 1946, as subsequently amended, the Governor, with the concurrence of the Central Government, is pleased to make the following amendments in the **West Bengal Rice Mills Control Order, 1949**, published under notification No. 16926F.D., dated the 19th December 1949, at pages 1253-1264 of Part I of the *Calcutta Gazette, Extraordinary*, of the 21st December 1949, as subsequently amended, namely :—

Amendments

1. For sub-paragraph (2) of paragraph 5 of the said Order *substitute* the following :—

“(2) The fee payable for the issue or renewal of a license under this Order referred to in sub paragraph (1) of paragraph 8 or sub-paragraph (2) of paragraph 11, as the case may be, and the extra fee for making application after the expiry of the period of validity of a license referred to in the proviso to sub paragraph (3) of paragraph 11 shall be paid in non-judicial stamp and shall be filed along with the application for the issue or renewal of the license, and no license shall be issued or renewed unless the fee payable for the issue or renewal thereof, as the case may be, together with the extra fee, if any, referred to in the proviso to sub-paragraph (3) of paragraph 11 has been duly paid.”

2. In paragraph 8 of the said Order,—

(a) in sub-paragraph (1) for the words “under this Order” *substitute* the words, figures and brackets “referred to in sub-paragraph (1) of paragraph 11”;

(b) in sub-paragraph (2) —

(i) *omit* the words, figures and brackets “Save as provided in clause (ii) of the proviso to sub-paragraph (1) of paragraph 11”;

(ii) for the words, figures and brackets “under sub-paragraph (2) of paragraph 5” *substitute* the words “in respect of the issue or renewal of the licence”.

3. For paragraph 11 of the said Order *substitute* the following :—

“11. (1) Save as provided in sub-paragraph (2), every licence issued or renewed under this Order shall be valid for a period extending up to the 31st day of December of the year for which it is issued or renewed.

(2) The Commissioner may issue or renew a licence for a period less than the period referred to in sub-paragraph (1) upon application made in this behalf and on payment of such fee as may be specifically fixed by the State Government for such issue or renewal, as the case may be, of the licence.

(3) Every application for renewal of a licence shall be made before the expiry of the period of validity of the licence sought to be renewed :

Provided that the Commissioner may, by notification in the *Official Gazette*, extend the time for making application for renewal of any licence under this Order and may, by such notification, also require payment of such extra fee as he may think fit for making such application after the expiry of the period of validity of the licence.

(4) Every licence issued or renewed under this Order shall, on the expiry of the period of validity of the licence so issued or renewed, stand terminated unless renewed or further renewed, as the case may be, in accordance with the provisions of this Order."

4. In clause (11) of Form B of Schedule 1 to the Order—

For the words and figures "31st December 195 ", omit the words and figures "/month of.....195.....".

No. 1188F.D.—9th February 1953.—In exercise of the power conferred by sub-paragraph (1) of paragraph 8 of the **West Bengal Rice Mills Control Order, 1949**, published under notification No. 16926F.D., dated the 19th December 1949, in the *Calcutta Gazette, Extraordinary*, of the 21st December 1949, at pages 1255-1264, as subsequently amended and in supersession of the notification No. 3823F.D., dated 21st April 1952, published in the *Calcutta Gazette, Extraordinary*, of the 21st April 1952, the Governor is pleased to determine the fees specified in items (a) and (b) of the Table below to be the fees payable respectively for the issue and renewal of licences referred to in sub-paragraph (1) of paragraph 11 of the said Order in respect of Rice Mills and Husking Machines :—

The Table.

Fees for licenses in respect of Rice Mills and Husking Machines.

	Rs.
(a) Fee for the issue of licenses	... 100
(b) Fee for the renewal of licenses	... 50

Published in the *Calcutta Gazette*, Part I, dated the 12th February 1953.

HOME DEPARTMENT.

No. 937W.T.—30th January 1953.—In exercise of the power conferred by sub-section (1) and in particular, clause (f) of sub-section (2) of section 21 and by sub-section (1) and in particular, clause (ff) of sub-section (2) of section 41 of the Motor Vehicles Act, 1939 (IV of 1939), the Governor is pleased to make the following amendments in the **Bengal Motor Vehicles Rules, 1940**, published with notification No. 1930P.L., dated the 21st September 1940, at pages 2655-2829 of Part I of the *Calcutta Gazette*, dated the 10th October 1940, as subsequently amended, namely :—

Amendments

1. After the proviso to sub-rule (c) of rule 6 of the said rules, add the following further proviso, namely :—

"Provided further that no such fee shall be payable by the Consular Officers belonging to the Japanese Consulate-General in India at Calcutta".

2. To rule 24 of the said rules, add the following sub-rule, namely :—

"(d) No fee shall be charged from the Consular Officers belonging to the Japanese Consulate-General in India at Calcutta, for the issue or renewal of licences to drive motor vehicles owned by them or by the Japanese Consulate-General in India at Calcutta".

3. To rule 38A of the said rules, add the following sub-rule, namely :—

“(g) No fee shall be levied for the registration of motor cars belonging to the Japanese Consulate-General in India at Calcutta or by its Consular Officers”.

LOCAL SELF-GOVERNMENT DEPARTMENT.

No. M. 3R.4/53.—4th February 1953.—In exercise of the power conferred by section 60 read with section 69 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), the Governor is pleased to make the following amendments in the **Calcutta Corporation (Conduct of Elections of Councillors) Rules, 1952**, published under notification No. M 3R.14/52, dated the 4th July 1952 :—

Amendments.

(1) *After* clause (iv) of sub-rule (2) of rule 53 of the said rules *insert* the following clauses :—

“(v). In rule 5 of the said rules the words, brackets and figure ‘or sub-rule (1)’ shall be omitted.

(vi) In rule 8 of the said rules, the words, brackets and figure ‘of the sub-rule (1)’ shall be omitted.

(vii) In rule 13 of the said rules, the words, brackets and figure ‘of sub-rule (1)’ shall be omitted”; and

(2) *Renumber* existing clause (v) of sub-rule (2) of rule 53 of the said rules as clause (viii) of that sub-rule.

DEPARTMENT OF FOOD, RELIEF AND SUPPLIES

No. 1100F.D.—6th February 1953.—In exercise of the power conferred by sub-paragraph (9) of paragraph 2 of the **Bengal Rationing Order, 1943**, the Governor has been pleased to make, with effect from the 20th October 1952, the following amendments in the notifications specified in the schedule below as subsequently amended, namely :—

Amendments.

In the first three notifications specified in the schedule below, in item (2) of Schedule I *for* the words and brackets “wheat products (including *atta* and flour)” *substitute* the word “*atta*” and in the last notification specified in the schedule below, *for* item (2) of Schedule I, *substitute* the following : “(2) wheat and *atta*”.

THE SCHEDULE.

1. No. 387D C.S., dated the 18th January 1944, published in the *Calcutta Gazette* of the 20th January 1944.

2. No. 3509D.C.S., dated the 26th April 1944, published in the *Calcutta Gazette* of the 27th April 1944.

3. No. 11753D.O.S., dated the 24th August 1949, published in the *Calcutta Gazette* of the 1st September 1949.

4. No. 8701D C.S., dated the 30th August 1944, published in the *Calcutta Gazette, Extraordinary*, of the 4th September 1944.

Published in the *Calcutta Gazette, Extraordinary*, Part I, dated the 14th February 1953.

DEPARTMENT OF EXCISE.

No. 123Ex.—9th February 1953.—In exercise of the power conferred by section 5 of the Opium Act, 1878 (I of 1878), the Governor is pleased to make the following amendment in the **West Bengal Opium (Restriction) Rules, 1952**, published under notification No. 702F.P., dated the 28th March 1952, at pages 569 to 577 of Part I of the *Calcutta Gazette, Extraordinary*, dated the 1st April 1952, namely :—

Amendment.

For sub-rule (1) of rule 4 of the said rules *substitute* the following :—

"4. (1) Any person ordinarily residing within a Restriction Area and desiring to obtain a ration card under these rules may make an application in the Form I, appended to these rules within such time after the publication under sub-rule (3) of rule 1 of the notification relating to such area as the Commissioner of Excise may fix. Such application shall be sent to the nearest licensed vendor of opium of such area or to the nearest officer of the Excise Department of the district of or above the rank of Sub-Inspector."

Published in the *Calcutta Gazette*, Extraordinary, Part I, dated 18th February 1953.
DEPARTMENT OF FOOD, RELIEF AND SUPPLIES

No. 1464F.D./FD/14R/29/52.—18th February 1953.—In exercise of the power conferred by sub-paragraph (2) of paragraph 3 of the **Bengal Foodgrains (Disposal and Acquisition) Order 1947**, as subsequently amended, and in supersession of the notification No. 12567F.D., dated the 22nd December 1952, published at page 2080 of Part I of the *Calcutta Gazette*, Extraordinary, of the 22nd December 1952, the Governor is pleased to specify the following scales at which exemptions shall be allowed to a person who is called upon under the said paragraph, to sell any stock of foodgrains, namely :—

- | | |
|---|---|
| 1. For family consumption | ... Ten maunds of paddy per head per annum. |
| 2. For seeds | ... Twelve and a half seers of paddy per bigha. |
| 3. For feeding agricultural labourer or payment of wages in kind. | One maund of paddy per bigha per annum. |

Published in the *Calcutta Gazette*, Part I, dated the 19th February 1953.
FINANCE DEPARTMENT

No. 205F.T.—6th February 1953.—In exercise of the power conferred by section 11 of the Bengal Electricity Duty Act, 1935 (Bengal Act X of 1935), the Governor is pleased to make the following amendments in the **Bengal Electricity Duty Rules, 1935**, published under notification No. 5250Com., dated the 1st June 1935, as subsequently amended, namely :—

Amendments.

1. *Renumber* existing rule 2 of the said rules as sub-rule (1) of that rule and after that sub-rule as so renumbered *add* the following as sub-rule (2), namely :—

"(2) If due to mistake, omission or oversight or due to incorrect information furnished by the consumer or omission by the consumer to give notice of any change in the data previously furnished the licensee fails to include in his bill of charges for any one month, duty or the correct amount of duty, payable by the consumer, then the licensee shall include the same, after necessary adjustment, if any, as a separate item in his bill of charges for any subsequent month and recover and credit the same in the manner provided in sub-rule (1)."

2. *Renumber* existing rule 6A of the said rules as sub-rule (1) of that rule and after that sub-rule as so renumbered, *add* the following as sub-rule (2), namely :—

"(2) A consumer shall also furnish to the inspecting officer, on demand, any information that the said officer may require for the purpose set forth in rule 6."

3. Below rule 9A of the said rules, *add* the following note :—

Note.—A meter or a sub-meter shall be deemed to be correct if it conforms to the standard prescribed for correct meters under the Indian Electricity Act, 1910, and the rules thereunder."

DEPARTMENT OF EXCISE

No. 120Ex.—7th February 1953.—In exercise of the power conferred by section 85 of the **Bengal Excise Act, 1909** (Bengal Act V of 1909), and in supersession of rules 73 to 79 of the rules published under notification No. 595S.R., dated the 30th March 1915, and of the rules published under notification No. 5T.A.I., dated the 19th April 1933, the Governor is pleased to make after previous publication as required by sub-section (3) of that section, the following amendments in the rules for the regulation of the transaction of business by the Excise Licensing Boards appointed under clause (b) of sub-section (2) of section 7 of the said Act published under notification No. 1173F.T., dated the 19th May 1950, namely :—

Amendments.

1. (1) In sub-rule (1) of rule 1 of the said rules, *for* the words and brackets "West Bengal Excise Licensing Boards (Conduct of Business) Rules", *substitute* the words and brackets "West Bengal Excise (Licensing Boards) Rules".

(2) *After* clause (c) of sub-rule (2) of rule 1, *add* the following :—

"(d) 'the Act' means the Bengal Excise Act, 1909".

2. *After* rule 13 of the said rules, *insert* the following rules, namely :—

"14. *Period of Licensing.*—(1) Subject to sub-rule (2), the period for which a site may be approved for the grant of a license for the retail vend of intoxicants shall terminate on the thirty-first day of March following the date of the approval of the site.

(2) In areas notified under section 14 of the Act, the period for which a site may be approved for the grant of a license for the retail vend of fermented *tari* shall terminate on the thirtieth day of September, following the date of approval of the site.

15. *Location of sites near boundaries of certain States.*—Except with the previous sanction of the State Government, no site within three miles of the State of Nepal or Bhutan shall be approved for the grant of a new license thereat for the retail sale of any intoxicant nor shall the site of any existing license within such limits be changed by more than 440 yards.

16. *Prohibition of deciding same site for the sale of foreign liquor and Country liquor.*—The same site shall not be approved for the grant of license for the sale both of foreign liquor and country liquor.

17. *Applications for sites for new licenses.*—Applications for licenses at new sites, for any period exceeding six months, for sale of foreign liquor (excluding sale to the trade, or by a canteen tenant, auctioneer or club, or in a dining car, dak bungalow or steamer, or of denatured spirit, or medicated wines by a licensed dealer or licensed chemist) or for the retail sale of country spirit, *pachwai* or *tari*, *ganja* or *bharg* shall be addressed to the Secretary of the Licensing Board having jurisdiction over the area. No application, for shops to be licensed from 1st October, received after the 31st March immediately preceding and no application for shops to be licensed from 1st April, received after the 31st August immediately preceding shall be considered.

18. *Proper enquiries to be made.*—The Secretary shall cause proper

enquiry to be made regarding the necessity or otherwise for any new license at the site in respect of which an application has been received under rule 17. The Secretary shall then submit the applications with departmental observations to the Board by the 1st October or in the case of an application for a license commencing from 1st October, by 1st May, each year.

19. *Submission of list of existing shops.*—The Secretary shall also prepare and submit to the Licensing Board along with the applications and departmental observations mentioned in rule 18, a list showing sites of existing licenses, arranging the sites separately according to subdivisions, police-stations and municipalities. The list shall show the following figures :—

(a) the average monthly revenue from each shop during the preceding six months ;

(b) the distance of each shop from the nearest shop of the same nature ;

(c) the statistics of consumption during the preceding six months—

(i) in the case of country spirit shops, the average monthly issues under each strength and in proof gallons ;

(ii) in the case of foreign liquor shops, the average monthly assessable quantity under each head of assessment ;

(iii) in the case of drug shops, the average monthly issues in seers ;

(iv) in the case of *pachwai* shops settled otherwise than by auction, the average monthly sales in terms of dry rice and in the case of other *pachwai* shops the average monthly license fee ; and

(v) in the case of *tari* shops, the monthly license fee and tree-tax, if any.

20. *Business to be transacted at the first meeting.*—At the first meeting of the Licensing Board to be held after submission of the list mentioned in rule 19, the applications for licenses at new sites with departmental observations thereon mentioned in rule 18 and the list showing sites of existing licenses mentioned in rule 19, shall be considered, and the list showing the number and sites of new licenses, which it is proposed to grant and the list showing the number and sites of the existing licenses which it is proposed to continue shall be prepared for ascertainment of local opinion.

21. *Publication of list, etc.*—Within seven days of the meeting mentioned in rule 20 or as soon as may be thereafter, the Secretary of the Licensing Board shall, in addition to the publication of the proposal as under section 31 of the Act, send a list showing the sites of the new licenses and of the existing ones as tentatively approved—

(a) to the Chairman of the district board in the case of shops situated in the rural areas of the district,

(b) to the Commanding Officer of the Cantonment in the case of shops situated within the limits of a Cantonment or within a distance of two miles from the Cantonment, and

(c) to the authority of any educational institution, temple, mosque, church, railway workshop, mill, factory or tea-garden in the case of shops situated within one quarter of a mile of such institution, temple, mosque, church, railway workshop, mill, factory or tea-garden, when required by such authority.

22. *Notice inviting opinions and objections.*—Every list sent out under section 31 of the Act or under rule 21 shall be accompanied by a

notice inviting opinions and objections regarding the sites and the nature of the licenses specified in the list so as to reach the Licensing Board by the 20th of November or the 20th of June, each year, as the case may be.

23. *Circulation of opinions and objections.*—An abstract of all opinions and objections received in pursuance of the notice mentioned in rule 22 shall be prepared by the Secretary of the Licensing Board and circulated to all the members of the Board by the 1st of December or the 1st of July, as the case may be, for consideration and for such enquiry as any of the members may deem necessary before decisions are taken by the Board.

24. *Business to be transacted at the second meeting and thereafter.*—(1) Within twenty days of receipt of the opinions and objections mentioned in rule 23 or as soon as may be thereafter, the Licensing Board shall hold the second meeting and revise the list showing the sites for licenses to be granted and by the 28th February or 31st August, as the case may be, shall forward the list as revised with copies of the proceedings of both the meetings and all opinions and objections received under rule 23—

(a) in the case where the sites for the licenses are outside the Calcutta district, to the Commissioner of the Division who shall thereafter consider them and shall forward the same with his own opinion and recommendations (if any), to the Excise Commissioner, and

(b) in the case where such sites are in the Calcutta district, to the Excise Commissioner.

(2) The Excise Commissioner shall thereupon consider the list, opinion and objections together with the opinion and recommendations (if any) of the Commissioner of the Division so sent to him and pass orders on the proposals and communicate such orders to the Secretary of the Licensing Board and the Collector of the district concerned.

25. *Principles to be followed.*—In determining the sites for shops the Licensing Board shall have regard to the following principles :—

(a) The number of sites for any particular area shall be regulated by local needs and no site for any license for sale of intoxicants mentioned in rule 17 shall be approved unless it is required to meet a demand ascertained by proper enquiry or to combat supply through illicit sources :

(b) In towns, the location of the site for any potable liquor shop shall not be in a secluded street or place so that persons entering it can escape observation and it shall not also be so prominent as to compel attention :

(c) The site for a potable liquor shop shall not occupy a position to which the neighbours can have objections on reasonable grounds :

(d) Sites for shops for the sale of liquor for consumption on the premises shall not be—

(i) in or at the entrance to a market place, or

(ii) in a congested portion of a village or thoroughfare, or

(iii) in close proximity to a bathing ghat, school, hospital, place of worship, factory or other place of public resort :

(e) In areas inhabited by aboriginal tribes or teagardens labourers, sites for potable liquor shops shall not be on the side of a main road or in such other prominent position as may place temptation in the way of such tribes or labourers :

(f) Sites for licenses for the retail sale of potable liquors and intoxicating drugs at any place within two miles of the border of another district within the State shall not be approved unless the respective Licens-

ing Boards concur, or, if they fail to concur, unless the Excise Commissioner so directs :

(c) When the exact site for a license cannot be decided by the Licensing Board, it shall specify the locality, within which the site may be selected and it shall be competent to the Collector to select the site within the locality as so specified.

26. Notwithstanding anything contained in these rules, the Collector may in urgent cases, consider and decide applications for transfer of existing licenses to new sites :

Provided that all such applications and the orders of the Collector thereon shall be placed before the Licensing Board in its next meeting, for approval or for such orders as the Board may deem fit."

DEPARTMENT OF LAND AND LAND REVENUE

No. 2168L.Ref.—2nd February 1953.—In exercise of the power conferred by section 16 of the Waste Lands (Requisitioning and Utilization) Act, 1952 (West Bengal Act IV of 1952), the Governor is pleased to make the following rules, namely :—

Rules.

The Waste Lands (Requisitioning and Utilization) Rules, 1953.

1. *Short title.*—These rules may be called the Waste Lands (Requisitioning and Utilization) Rules, 1953.

2. *Definition.*—In these rules—

(i) "the Act" means the Waste Lands (Requisitioning and Utilization) Act, 1952 ;

(ii) "section" means a section of the Act.

3. *Manner of giving public notice.*—(1) A public notice, containing the substance of the notification published under sub-section (1) of section 3, shall be given by causing a copy of the notice to be affixed on a conspicuous part of the waste land or if the waste land consists wholly of water area, in the neighbourhood of such waste land.

(2) After public notice of the substance of any notification has been given locally by beat of drum as also in the manner aforesaid a report to that effect shall be submitted to the Collector by the officer entrusted with giving the public notice.

4. *Manner of publication of notice under sub-section (3) of section 10.*—Every notice under sub-section (3) of section 10 shall be published in the *Calcutta Gazette*.

5. *Authority for appeal.*—(i) An appeal under sub-section (1) of section 11 against an order made or notice issued by a Collector other than the Collector of the district within which the waste land is situated shall lie to the Collector of the said district.

(ii) An appeal under sub-section (1) of section 11 against an order made or notice issued by the Collector of the district shall lie to the Commissioner of the Division within whose jurisdiction the waste land is situated.

6. *Procedure to be followed in appeals under section 11 and the period of limitation of such appeals*—(1) Every appeal under sub-section (1) of section 11 shall be prepared in the form of a memorandum and shall be signed by the appellant and verified by the appellant or by some person acquainted with the facts of the case. The memorandum of appeal shall be on plain paper without any court-fee.

(2) An appeal under sub-section (1) of section 11 shall not be entertained unless it is presented to the appellate authority within thirty days

of the date of the order or of the date of the receipt of the notice appealed against exclusive of the period taken for obtaining copies of the order of the Collector.

Provided that the appellate authority may, for sufficient cause shown to his satisfaction extend the time limit of filing appeal by a further period not exceeding thirty days

(3) Unless the appellate authority summarily dismisses the appeal for sufficient reasons to be recorded in writing he shall call for the records of the case and a report with regard to the grounds set forth in the memorandum of appeal from the Collector against whose order or notice the appeal has been preferred. On receipt of the records of the case and the report called for, the appellate authority shall, after giving an opportunity to the appellant and any person interested, whom he considers to be a necessary party, to be heard, either dispose of the case himself or remand it to the Collector with such instructions as he thinks fit.

(4) The appellate authority shall thereafter return the records of the case to the Collector against whose order or notice the appeal is preferred with a copy of the order passed in appeal

7. *Power to enter upon land to make survey, etc.*—The appellate authority or the Collector or any other officer authorised by such authority or Collector in this behalf may at any time between sunrise and sunset enter upon any property (not being a homestead or a place of worship) with such officers and servants as he considers necessary and make a survey and take measurements of such property for the purpose of determining any question or matter necessary to decide for carrying out the purposes of the Act.

Published in the *Calcutta Gazette*, Extraordinary, Pt. I, dated the 25th February 1953.

DEPARTMENT OF FOOD, RELIEF AND SUPPLIES

No 1765F.D/F/P-1C-1/53.—25th February 1953—In exercise of the power conferred by sub-section (1), and in particular, by clauses (d), (h), (i) and (j) of sub-section (2) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with the notification of the Government of India in the Department of Food No. PY-603(2)/1, dated the 21st October 1946, as subsequently amended, the Governor, with the concurrence of the Central Government, is pleased to make the following amendments in the **West Bengal Foodgrains Control Order, 1951**, as subsequently amended, namely :—

Amendments

1. In paragraph 3 of the said Order—

(a) for the first and second provisions under sub-paragraph (3) substitute the following sub-paragraph :—

“(3a) Notwithstanding anything contained in the foregoing provisions of this paragraph, every licensee for the time being in force issued under paragraph 4 of the West Bengal Rice Mills Control Order, 1949, in so far as it authorises the purchase, sale and storage for the purpose of milling and sale in wholesale quantities of rice husked or rice in the husk (paddy) by Rice Mills as defined under sub-paragraph (a) of paragraph 3 of the West Bengal Rice Mills Control Order, 1949, shall be deemed for the purpose of this Order, to be a licensee issued under this Order authorising such purchase, sale or storage for sale in the area comprised within the jurisdiction of the authority issuing such license under the West Bengal Rice Mills Control Order, 1949.”; and

(b) for the third proviso under the said sub-paragraph *substitute* the following sub-paragraph, namely :—

“(5) The State Government may, by general or special order, exempt, subject to such conditions and in respect of such area or areas as may be specified in the Order, any dealer, large producer or carrier from the operation of this paragraph”.

2. In sub-paragraph (2) of paragraph 9 of the said Order, *after* the words “which is deemed to be a license issued under this Order”, *insert* the following words :—

“in respect of the purchase, sale or storage for sale of foodgrains in the area comprised within the jurisdiction of the authority issuing such license”.

3. In form A of the second schedule to the said Order, to clause 4 *add* the following proviso :—

“Provided that the licensee carrying on business at more than one place under separate licenses in that behalf shall submit returns in respect of the business carried on in each such place to each of the licensing authorities concerned”.

No. 1766F.D./F/P/1C-1/53.—25th February 1953.—In exercise of the power conferred by paragraph 17 of the **West Bengal Foodgrains Control Order, 1951**, as subsequently amended, the Governor is pleased to make the following amendment in the notification No. 6179F.D / FD/3L-2/51, dated the 20th July 1951, published in the *Calcutta Gazette, Extraordinary*, of the 21st July 1951, at pages 931-932, as subsequently amended, namely :—

Amendment

In the said Notification—

(a) In column 2 of the table under the heading “Functions” *after* the words “on behalf of the State Government” occurring against the corresponding entry relating to “the district of Cooch Behar” in column 1, *add* the following words :—

“and of rice mills requiring separate licenses under the West Bengal Foodgrains Control Order, 1951.”

(b) In column 2 of the table under the heading “Functions” *after* the words “on behalf of the State Government” occurring against the corresponding entry relating to “Each district and subdivision of West Bengal excluding any area in which the Bengal Rationing Order, 1943, is in force” in column 1, *add* the following words :—

“and of rice mills requiring separate licenses under the West Bengal Foodgrains Control Order, 1951.”

Published in the *Calcutta Gazette*, Pt. I, dated the 26th February 1953.

FINANCE DEPARTMENT

No. 239F.T.—11th February 1953.—In exercise of the power conferred by section 26 of the Bengal Finance (Sales Tax) Act, 1941 (Bengal Act VI of 1941), the Governor is pleased to make, after previous publication as required by sub-section (1) of the said section, the following amendments in the **Bengal Sales Tax Rules, 1941**, as subsequently amended, namely :—

Amendments.

In the said rules—

(a) In clause (i) of sub-rule (1) of rule 14, for the word “two” *substitute* the word “three”.

(b) For sub-rule (2) of rule 14 *substitute* the following sub-rule, namely :—

“(2) If the Commercial Tax Officer is satisfied that the dealer is not liable to pay tax under section 4 he shall cancel the registration with effect from the last day of the year, and at least one month before the end of the year he shall forward the name and address of the dealer together with the description of the goods covered by his certificate of registration to the Commissioner for publication under clause (a) of section 9 ”

(c) In the table appended to rule 71 against item 12—

For the entry in column 3, *substitute* the entry “to revise an assessment made or an order passed by a Commercial Tax Officer.”

No. 270F.T.—18th February 1953.—In exercise of the power conferred by sub-section (2) of section 6 of the **Bengal Finance (Sales Tax) Act, 1941** (Bengal Act VI of 1941), the Governor is pleased to make the following addition to the Schedule to the said Act, namely :—

Addition.

To the schedule to the Bengal Finance (Sales Tax) Act, 1941, *add* the following item in the first column, namely :—

“46. Mustard seed and rape seed.”

DEPARTMENT OF EXCISE

No. 134Ex.—14th February 1953.—In exercise of the powers conferred by section 5 of the Opium Act, 1878 (I of 1878), the Governor is pleased to make the following amendment in the **West Bengal Opium (Restriction) Rules, 1952**, as subsequently amended, namely :—

Amendment

After rule 30 of the said rules, *add* the following :—

“31. These rules shall not apply to the possession of medicinal opium mixture manufactured and supplied by a licensed Kabiraj or Hakim to his patients for their own use but not for sale.”

No. 135Ex.—14th February 1953.—In exercise of the powers conferred by section 5 of the **Opium Act, 1878** (I of 1878), the Governor is pleased to make the following amendment in the rules published under notification No. 562S. R., dated the 2nd March 1918, as subsequently amended, namely :—

Amendment

Omit sub-rule (6) of rule 3 of the said rules.

Published in the *Calcutta Gazette*, Pt. 1, dated the 5th March 1953.

LOCAL SELF-GOVERNMENT DEPARTMENT

No. L.S.-G. 4F 9/51. —17th February 1953.—In exercise of the powers conferred by sub-section (1) of section 40 of the **West Bengal Fire Services Act, 1950** (West Bengal Act XVIII of 1950), the Governor is pleased to make the following rule for carrying out the purposes of the said Act :—

Rule

The following forms shall, as far as possible, be used by the Collector, or, when so ordered by the State Government under sub-section (1) of section 23 of the **West Bengal Fire Services Act, 1950** (West Bengal Act XVIII of 1950) by the Director or the Corporation of Calcutta or the Commissioners of the municipality concerned, as the case may be, in connection with the exercise of the powers and performance of the duties and functions of the Collector under the said Act :

FORM 1.

Municipality/Calcutta Corporation/Collectorate... .. /Directorate
of Fire Services, West Bengal.

Register of letters received.

Serial No.	Date of receipt.	From whom received.	No. and date of letter.	Short Subject.	To whom sent and date.	Remarks as to mode of disposal.
1	2	3	4	5	6	7

FORM 2.

Municipality/Calcutta Corporation/Collectorate... .. /Directorate
of Fire Services, West Bengal.

Acknowledgment Card.

Dated the... .. 195...

Sir/Madam,

The undersigned begs to acknowledge receipt of your letter No.....
... dated....., and to state that it is receiving attention/has been
forwarded to.. ..to whom further communication on the subject
may be made.

Yours faithfully,

Designation of the officer signing.

[For Forms 3 to 10, see *Calcutta Gazette*, 1953, Part I, pages 629 to
633. *Editor.*]

No. M3R-1/52.—25th February 1953.—In exercise of the powers conferred by sub-section (2) of section 23 of the **Calcutta Municipal Act, 1951** (West Bengal Act XXXIII of 1951), the Governor is pleased to frame the following rules :—

Rules

PRELIMINARY.

1. These rules shall be deemed to have taken effect on and from the 1st May 1952.
2. In these rules—
 - (i) "the Act" means the Calcutta Municipal Act, 1951 ;
 - (ii) "Commissioner" means the Commissioner appointed under section 19 of the Act who is not a civil or military officer in the service of the Government ;
 - (iii) "Corporation" means the Corporation of Calcutta ;
 - iv "earned leave" means leave earned in respect of periods spent on duty ;
 - (v) "earned leave due" means the amount of earned leave calculated as prescribed in rule 11, diminished by the amount of earned leave taken ;
 - (vi) "leave" includes earned leave, leave on private affairs, leave on medical certificate and extraordinary leave.

LEAVE AND LEAVE ALLOWANCES.

3. Leave admissible under these rules cannot be claimed as of right. When the exigencies of service so require, discretion to refuse or revoke leave of any description is reserved to the State Government.

4. Leave shall ordinarily begin on the day on which transfer of charge is effected and shall end on the day preceding that on which charge is resumed.

5. The Commissioner may be permitted by the State Government to prefix or affix a holiday or holidays to the leave granted to him. Unless the State Government otherwise directs—

(a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of salary and allowances shall take effect from the first day after the holidays, and

(b) if holidays are affixed to leave, the leave shall be treated as having ended on, and any consequent re-arrangement of salary and allowances take effect from, the day on which the leave would have ended if holidays had not been affixed.

Explanation.—For the purpose of this rule, “holiday” means—

(i) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and

(ii) a day on which the office of the Corporation is ordered, by a resolution of the Corporation, to be closed for the transaction of business without reserve or qualification.

6. Unless permitted to do so by the State Government, the Commissioner may not return to duty before the expiry of the period of leave granted to him.

7. The State Government may commute retrospectively periods of absence of the Commissioner without leave into extraordinary leave. On the recommendation of the Corporation, the State Government may sanction retrospectively an extension of leave to the Commissioner if he over-stays his leave, provided that they are satisfied—

(a) that the overstay was due to circumstances beyond the Commissioner's control; or

(b) that the overstay was not administratively inconvenient.

8. Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave under these rules.

9. No leave shall be granted beyond the date on which the term of office of the Commissioner is due to expire under sub-section (2) of section 19 of the Act or the date on which he must compulsorily retire under rule 20.

10. Subject to the provisions of rules 3 and 9, the Commissioner may at any time be granted the whole or any part of the earned leave due to him.

11. The earned leave due to the Commissioner is one-eleventh of the period spent on duty :

Provided that, when the earned leave due amounts to 90 days, he shall cease to earn such leave.

12. Leave on private affairs may be granted to the Commissioner on any one occasion for not more than three months.

13. Leave on medical certificate not exceeding two months in all during any one term of his service may be granted to the Commissioner :

Provided that, when the maximum period of two months is exhausted, further leave on medical certificate not exceeding one month in all may be granted in exceptional cases.

14. Extraordinary leave may be granted to the Commissioner in special circumstances—

(a) when no other leave is admissible under these rules, or

(b) when other leave is admissible, but the Commissioner applies in writing for the grant of extraordinary leave.

15. (1) The Commissioner is entitled—

(i) when on earned leave, to leave-salary equal to his average salary for the twelve complete months preceding the month in which leave is taken; and

(ii) when on leave on private affairs or medical certificate, to leave salary equal to half his average salary for the twelve complete months preceding the month in which such leave is taken.

(2) The Commissioner is not entitled to any leave salary when on extraordinary leave.

16. The Commissioner may draw dearness allowance, so long as it is admissible, during any period of leave, other than extraordinary leave, in or outside India, except that, in the case of leave preparatory to retirement such allowance shall be admissible only for a maximum period of 90 days, spent wholly in India. Such allowance during leave shall be calculated on the basis of the leave salary actually drawn and at the rate at which it was admissible immediately before the Commissioner proceeded on leave.

17. The house-rent allowance admissible to the Commissioner may be drawn during leave on medical certificate only, provided that he certifies either—

(i) that his family continued to reside, for the period for which the allowance is claimed, in the station from which he proceeded on leave on medical certificate, or

(ii) that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure on rent for which the allowance was granted.

PROVIDENT FUND.

18. The Commissioner shall not be entitled to any pension or gratuity but shall be admitted to the benefits of the Calcutta Corporation Provident Fund except that he shall not be entitled to any additional or special contribution to his provident fund from the Corporation.

19. In all matters concerning his provident Fund, the Provident Fund Rules of the Corporation for the time being in force, so far as they are not inconsistent with the provisions of the Act or rule 18 of these rules, shall be applicable to the Commissioner.

COMPULSORY RETIREMENT.

20. The date of compulsory retirement of the Commissioner shall be the date on which he attains the age of 60 years.

21. Any matter relating to the leave, provident fund or retirement of the Commissioner, for which specific provision has not been made by these rules, shall be governed by the rules and orders in force for the time being applicable to Government servants of similar standing and status.

PART XI

MADHYA PRADESH ACTS

The Madhya Pradesh Irrigation (Amendment) Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly, has been assented to by the President on the 24th February 1953 and was published in the *Madhya Pradesh Gazette*, Extraordinary, dated the 25th February 1953.

Madhya Pradesh Act No. I of 1953.

An Act further to amend the Central Provinces Irrigation Act, 1931.

Preamble.—Whereas it is expedient further to amend the Central Provinces Irrigation Act, 1931 (III of 1931), for the purposes hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title.*—This Act may be cited as the Madhya Pradesh Irrigation (Amendment) Act, 1953.

2. *Amendment of section 91-A, Act III of 1931.*—In section 91-A of the Central Provinces Irrigation Act, 1931 (III of 1931), for the words "five years" the words "ten years" shall be substituted.

The Madhya Pradesh Irrigation (Second Amendment) Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly, has been assented to by the Governor on the 10th March 1953 and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 20th March 1953.

Madhya Pradesh Act II of 1953.

An Act further to amend the Central Provinces Irrigation Act, 1931.

Preamble.—Whereas it is expedient further to amend the Central Provinces Irrigation Act, 1931 (III of 1931), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be cited as the Madhya Pradesh Irrigation (Second Amendment) Act, 1953

2. *Amendment of section 36, Act III of 1931.*—In section 36 of the Central Provinces Irrigation Act, 1931 (III of 1931),—

(i) in sub-section (2), for the words "of all cultivators or of all agricultural labourers or of both", the words "of all persons" shall be substituted ; and

(ii) in sub-section (4), for the words "bodily infirmity or social position", the words "or bodily infirmity" shall be substituted.

The Madhya Pradesh Suppression of Immoral Traffic Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly, has been assented to by the Governor on the 12th March 1953 and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 20th March 1953.

Madhya Pradesh Act No. III of 1953.

TABLE OF CONTENTS.

• Preamble.

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Punishment for keeping brothel.

4. Punishment for letting or permitting use of premises as brothel.
5. Living on earnings of prostitution.
6. Soliciting.
7. Prostitutes in places of public amusement.
8. Punishment for causing or encouraging or abetting prostitution by woman.
9. Procurement or importing woman for prostitution.
10. Prostitutes in vicinity of public places.
11. Removal and disposal of minor girls from brothels.
12. Power of State Government to make rules.
13. Repeal.
- The Schedule.

The Madhya Pradesh Suppression of Immoral Traffic Act, 1953.
Madhya Pradesh Act No. III of 1953.

An Act to make provision for the suppression of brothels and prostitution and of traffic in women in Madhya Pradesh

Preamble.—WHEREAS it is expedient to make provision for the suppression of brothels and prostitution and of traffic in women in Madhya Pradesh :

It is hereby enacted as follows :—

1. *Short title, extent, and commencement.*—(1) This Act may be cited as the Madhya Pradesh Suppression of Immoral Traffic Act, 1953.

(2) It extends to the whole of Madhya Pradesh.

(3) This section shall come into force at once and the remaining sections of this Act or any of them, shall come into force in such area and on such date or dates as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “brothel” shall mean any house or room or place or any part thereof, which the occupier or person in charge thereof, allows to be used by any other person for the purpose of prostitution ;

(b) “place of public amusement” shall mean any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted ;

(c) “place of public entertainment” shall mean any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ;

(d) “prostitution” shall mean the practice of a woman offering her body to an indiscriminate sexual intercourse with men for hire, whether in money or in kind ; and the word “prostitute” shall be construed accordingly ;

(e) “woman” shall mean a female human being of any age.

3. *Punishment for keeping brothel.*—Any person, who keeps or manages or assists in the management of a brothel, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

4. *Punishment for letting or permitting use of premises as brothel.*—(1) Any person, who—

(a) being the owner, tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel ; or

(b) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof may be used as a brothel or is wilfully a party to the continued use of such premises or any part thereof as a brothel ;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Any person, who having been convicted of an offence punishable under sub-section (1) is convicted of a subsequent offence punishable under the said sub-section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place in respect of which the lessee, tenant or occupier thereof has been convicted under sub-section (1) shall be entitled forthwith to determine such lease, tenancy or occupation.

5. *Living on earnings of prostitution.*—(1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of prostitution of another person, shall be punished with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

(2) Where any such person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally or to be keeping or managing or assisting in the management of a brothel, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution :

Provided that the mother, or a son, or a sister, or a daughter of a person living in prostitution shall not be punished under this section for living on the earnings of such person unless it is proved to the satisfaction of the Court that such mother, son, sister or daughter is aiding, abetting or compelling her prostitution.

6. *Soliciting.*—(1) Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,—

(a) by words, gestures, wilful and indecent exposure of his or her person or otherwise attracts or endeavours to attract attention for the purpose of prostitution, or carnal intercourse or any act of gross indecency ; or

(b) solicits or molests any person or loiters for the purpose of prostitution or carnal intercourse or any act of gross indecency ; shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both

(2) The offence under this section shall be cognizable.

7. *Prostitutes in places of public amusement.*—Whoever, being the keeper, of any place of public amusement or entertainment, knowingly

permits prostitutes for the purposes of their trade to meet or remain in such place, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

8. *Punishment for causing or encouraging or abetting prostitution by woman.*—Any person, who having custody, charge or care of any woman who is not a minor, causes or encourages or abets prostitution by such woman, shall be punished with rigorous imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

9. *Procuration or importing woman for prostitution.*—Any person, who procures or attempts to procure or induces any woman, who is not a minor, to go from one place to another or takes or attempts to take or causes to be taken, any woman from one place to another for the purpose of prostitution, shall be punished with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

10. *Prostitutes in vicinity of public places.*—(1) The District Magistrate may, on an application made by the Chief Executive Officer, in the case of the City of Nagpur Corporation or the City of Jabalpur Corporation, or a Janapada Sabha, or by the Secretary, in the case of a Municipal Committee, or of his own motion, order by proclamation that the business of a prostitute shall not be carried on in any premises—

(a) which are within a distance of hundred yards of any place of public religious worship, educational institution, public park, play-ground, cinema theatre or railway station ; or

(b) which are specified in this behalf by the District Magistrate in the manner prescribed by the rules made by the State Government.

(2) Whoever, after the expiry of three months from the date of an order under sub section (1), carries on the business of a prostitute in any premises in respect of which such order has been passed, shall be punished with imprisonment, which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

(3) Any person, who—

(a) being the owner, tenant, lessee, occupier or person in charge of any premises situate as described in clause (a) or specified under clause (b) of sub-section (1) knowingly permits the same or any part thereof to be used for any act punishable under sub-section (2) ; or

(b) being the lessor or landlord of any premises so situate or specified, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof may be used for any act punishable under sub-section (2), or is wilfully a party to the continued use of such premises or any part thereof for any such act : shall be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

(4) No Court shall take cognizance of any offence punishable under this section without the sanction of the District Magistrate.

11. *Removal and disposal of minor girls from brothels.*—(1) Where a Magistrate not below the rank of a magistrate of the first class, upon complaint made to him and after making such inquiry as he may think necessary, has reason to believe that a girl under the age of 18 years is living, or is carrying on or is being made to carry on the business of prostitution, in a brothel, he may issue a warrant to a police officer not

below the rank of an inspector authorizing him to enter into such brothel to remove therefrom such girl, and to produce her before him.

(2) When the girl is produced before the Magistrate, he shall cause an inquiry to be made concerning her age, and, if satisfied that the girl is under 18 years of age, may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, in such institution or in such other custody as he, for reasons to be stated in writing, shall consider suitable. Such girl shall, thereupon, be kept in such institution or custody subject to such directions as may be prescribed :

Provided that the person or persons entrusted with the custody of such girl or the manager or managers of the institutions where such girl is placed shall be of the same religion as the girl.

(3) When a police officer removing a girl under a warrant issued under this section cannot immediately produce her before the Magistrate issuing the warrant, he shall forthwith produce her before the nearest Magistrate who shall pass such orders for her safe custody until she can be produced before the Magistrate issuing the warrant, as he may consider proper, subject to such directions as may be prescribed.

12. Power of State Government to make rules.—(1) The State Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide—

(a) for the manner of specification of premises under section 10 (1) (b) :

(b) for the care, treatment, instruction and maintenance of girls placed in any institution or any other suitable custody under section 11 ; and

(c) for the temporary detention of girls under the provisions of section 11.

13. Repeal.—When the provisions of section 3 of this Act are brought into force in any area in which any of the enactments specified in the Schedule is in force, the said enactment to the extent specified in the Schedule shall stand repealed with effect from the date of coming into force of the said provisions.

THE SCHEDULE

No. and year of enactment	Name of enactment	Extent of repeal
II of 1922 ...	The Central Provinces and Berar Municipalities Act, 1922.	Sections 142 and 143
II of 1950 ...	The City of Nagpur Corporation Act, 1948	Sections 344 and 345
III of 1950 ...	The City of Jubbulpore Corporation Act, 1948	Sections 371 and 372

The Madhya Pradesh Temporary Postponement of Execution of Decrees Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly has been assented to by the President on the 24th March 1953, and was published in the *Madhya Pradesh Gazette*, Extraordinary, dated the 26th March 1953.

Madhya Pradesh Act No. IV of 1953

TABLE OF CONTENTS

Preamble

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Stay of proceedings in the case of certain decrees.

4. Release of persons in detention in civil prison.
5. Computation of time for execution.
6. Payment of certain decrees.
7. Transfer by agriculturists to be voidable.
8. Act not applicable to execution in certain suits.
9. Repeal and saving

The Madhya Pradesh Temporary Postponement of Execution of Decrees Act, 1953.

Madhya Pradesh Act No. IV of 1953

An Act to provide for the temporary postponement of execution of certain decrees of Civil Courts against agriculturists.

Preamble.—WHEREAS it is expedient to take immediate action to provide for the temporary postponement of execution of certain decrees passed against agriculturists by Civil Courts ;

It is hereby enacted as follows : —

1 *Short title, extent and commencement.*—(1) This Act may be cited as the Madhya Pradesh Temporary Postponement of Execution of Decrees Act, 1953.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force at once and shall remain in operation for a period of two years.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Civil Court" includes a Court of Small Causes ;

(b) "agriculturist" means a person who in the agricultural year 1952-53 was recorded as an occupant, malikmakbuza, tenant, sub-tenant, raiyat, raiyatmalik or lessee in the record-of-rights or the annual papers for any part of the area specified in a notification issued by the State Government in this behalf, and who earns his livelihood wholly or mainly from agriculture ;

(c) the expression "agriculture" shall have the same meaning as is assigned to that expression in the Central Provinces Tenancy Act, 1920 (I of 1920).

3. *Stay of proceedings in the case of certain decrees.*—(1) All proceedings in execution of any decree for money, or proceedings for making final any preliminary decree for foreclosure or sale, or proceedings in execution of any final decree for sale, passed by a Civil Court on the basis of a liability incurred before this Act comes into force, in which a judgment-debtor or defendant, as the case may be, is, on the date this Act comes into force, an agriculturist, shall be stayed against such judgment debtor or defendant, on an application made by him in this behalf during the period this Act remains in force.

(2) All attachments of growing crops, agricultural produce, live-stock and other movable property of a perishable nature made in execution of decrees for money, the execution of which has been stayed under subsection (1) and existing on the date on which the stay order is passed, shall be withdrawn.

4. *Release of persons in detention in civil prison*—(1) On the date on which this Act comes into force, if any judgment-debtor who is an agriculturist is in detention in a civil prison in execution of any decree for money passed by a Civil Court, he shall be released.

(2) No agriculturist shall in any case be liable to arrest or detention in a civil prison in execution of any such decree as is referred to in subsection (1) during the period this Act remains in force.

5. *Computation of time for execution.*—In computing the period of twelve years prescribed by section 48 of the Code of Civil Procedure, 1908 (V of 1908), the period during which proceedings are stayed under this Act shall be excluded.

6. *Payment of certain decrees.*—Nothing herein contained shall—

(a) apply to decrees for money arising out of claims relating to trusts or for maintenance or for profits in favour of a co-tenant or co-owner, or for mesne profits or for damages for tort, or for contribution between co-tenants of agricultural land ; or

(b) apply to a mortgage decree against property in the hands of a subsequent transferee who has taken the transfer in order to satisfy the mortgage subject to the mortgage on the basis of which such decree has been obtained ; or

(c) apply to decisions of the Registrar, awards of arbitrators or orders of liquidators, made under the Co-operative Societies Act, 1912 (II of 1912), or the rules made thereunder.

7. *Transfers by agriculturists to be voidable.*—Every transfer of property made by an agriculturist, proceedings in execution against whom have been stayed under this Act, shall be voidable at the option of any creditor whose claim against such agriculturist is defeated or delayed.

8. *Act not applicable to execution in certain suits.*—Nothing in this Act shall apply to anything done in execution of a decree passed in a suit for a sum payable under a settlement or sub-settlement or payable by a thekadar or farmer of proprietary rights or for the share of proprietary profits between lambardars and co-sharers, or by a proprietor to recover from a malik-makbuza the assessment on a malik-makbuza plot payable through a proprietor under section 84 (3) of the Central Provinces Land Revenue Act, 1917 (II of 1917).

9. *Repeal and saving.*—(1) The Madhya Pradesh Temporary Postponement of Execution of Decrees Ordinance, 1952, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

The Madhya Pradesh Recovery of Arrears of Land Revenue and Rent Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly has been assented to by the Governor on the 27th March 1953 and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 3rd April 1953.

Madhya Pradesh Act No. V of 1953

TABLE OF CONTENTS

Preamble.

Sections.

1. Short title and extent.

2. Definitions.

3. Recovery of certain suspended instalments of land revenue or rent in Central Provinces.

4. Recovery of certain suspended instalments of land revenue or rent in merged territories.

5. Recovery of certain suspended instalments of land revenue or rent in alienated villages under Waste Land Rules.

6. Recovery of certain arrears of land revenue in Berar.

**The Madhya Pradesh Recovery of Arrears of Land Revenue and
Rent Act, 1953.****Madhya Pradesh Act No. V of 1953**

An Act to provide for the recovery of certain instalments of land revenue or rent suspended before the date of vesting and ordered to be recovered after such date and further to provide for the recovery of certain other arrears of land revenue in Berar which had become payable before the date of vesting.

Preamble.—WHEREAS it is expedient to provide for the recovery of certain instalments of land revenue or rent suspended before the date of vesting and ordered to be recovered after such date and further to provide for the recovery of certain other arrears of land revenue in Berar which had become payable before the date of vesting ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be cited as the Madhya Pradesh Recovery of Arrears of Land Revenue and Rent Act, 1953.

(2) It extends to the whole of Madhya Pradesh.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context, any expression used or defined in the Central Provinces Land Revenue Act, 1917 (II of 1917), the Berar Land Revenue Code, 1928, and the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951), shall have the meaning assigned to it in the relevant Act.

3. *Recovery of certain suspended instalments of land revenue or rent in Central Provinces.*—(1) Where any instalment of land revenue or rent in respect of any estate, mahal or land in the Central Provinces excluding the merged territories had, under the law for the time being in force, been suspended before the date of vesting and is ordered to be recovered at any time after such date, such arrears of land revenue or rent shall be payable to the State Government by the following persons, namely :—

(i) in respect of land which was home-farm on the date of vesting—by the person becoming *malik makbuza* under sub-section (1) of section 38 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951);

(ii) in respect of land held by a tenant on the date of vesting—by such tenant whether he is a tenant of the State under sub-section (1) of section 45 or has acquired the status of a *malik makbuza* under section 41 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951) ;

(iii) in the case of land in which rights of an occupancy tenant have been reserved to a protected thekadar or other thekadar or a protected headman or any other under tenure under sub-section (2) of section 39 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951),—by such person, whether he is a tenant of State under sub-section (2) of section 39 or is a *malik-makbuza* under section 41 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951).

(2) For the purpose of sub-section (1), the arrears of land revenue recoverable in respect of land which was home-farm land on the date of vesting shall be the amount forming the appropriate percentage of the assessment in force thereon during the year in which the land revenue was suspended.

Explanation.—“Appropriate percentage” means the percentage of

malguzari assets payable as land revenue in accordance with the provisions of section 9 of the Central Provinces Settlement Act, 1929 (VI of 1929), in the year in which the land revenue was suspended.

(3) Such arrears shall be the first charge on the lands to which they relate and the provisions for the collection of land revenue in Chapter X of the Central Provinces Land Revenue Act, 1917 (II of 1917), shall, so far as may be, apply to the recovery of such arrears which shall, for this purpose, be deemed to be land revenue accruing in respect of the home-farm lands or tenancy lands, as the case may be.

4. *Recovery of certain suspended instalments of land revenue or rent in merged territories.*—Where any instalment of land revenue or rent in respect of any mahal, village or land in the merged territories has, under this law for the time being in force, been suspended before the date of vesting and is ordered to be recovered at any time after such date, such arrears of land revenue or rent shall be payable to the State Government by the following persons or their successors, namely :—

(i) in respect of land which was home-farm on the date of vesting—by the person becoming *malik makbuza* under section 53 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951);

(ii) in the case of land in which rights of a raiyat have been reserved to a proprietor or to an under-tenure under section 54 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951),—by such proprietor or under-tenure, as the case may be, whether he is holding the land, as a raiyat or has acquired rights of a *malik-makbuza* under section 56 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951);

(iii) in the case of land held by a raiyat or tenant on the date of vesting—by such raiyat or tenant whether he is a raiyat or tenant of the State under sub-section (1) of section 59 or has acquired the status of a *malik-makbuza* under section 56 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951).

(2) Such arrears shall be the first charge on the lands to which they relate and the provisions for the collection of land revenue in Chapter X of the Central Provinces Land Revenue Act, 1917 (II of 1917), shall, so far as may be, apply to the recovery of such arrears which shall, for this purpose, be deemed to be land revenue accruing in respect of the home-farm lands or tenancy lands, as the case may be.

5. *Recovery of certain suspended instalments of land revenue or rent in alienated villages under Waste Land Rules.*—(1) Where any instalment of land revenue or rent in respect of any land held by any person in Berar in a village which before the date of vesting was an alienated village leased under the Waste Land Rules of 1865 had, under the law for the time being in force, been suspended before the date of vesting is ordered to be recovered at any time after such date, the following persons shall be primarily responsible for the payment to the State Government of such land revenue or rent—

(i) in respect of land held as an occupant under sub-section (1) of section 68 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951)—by such occupant;

(ii) in respect of lands held by a specified tenant becoming lessee of the State under sub-section (2) of section 68 of the Madhya Pradesh

Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951)—by such specified tenant whether he is a lessee of the State under sub-section (2) of section 68 or has acquired the status of an occupant under section 69 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951).

(2) Such arrears shall be a first charge on the land to which they relate and may be recovered by the attachment and sale of the home-farm land or the tenancy land, as the case may be, in the manner provided, for by clause (c) of section 141 of the Berar Land Revenue Code, 1928, and for this purpose such home-farm land or the tenancy land shall be deemed to be the holding on which such arrear is due.

6. *Recovery of certain arrears of land revenue in Berar.*—Where any land revenue payable by a proprietor in Berar in respect of any holding consisting of entire villages or share of a village vesting in the State Government under the provisions of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951), is in arrears in respect of any period before the date of vesting such arrears may be recovered by the attachment and sale of the home-farm land in such holding which is held by the proprietor or his successor in interest as an occupant by virtue of sub-section (1) of section 68 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951), in the manner provided for by clause (c) of section 141 of the Berar Land Revenue Code, 1928, and for this purpose such home-farm land shall be deemed to be the holding on which such arrear is due.

The Madhya Pradesh Animal Preservation (Amendment) Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly has been assented to by the Governor on the 27th March 1953, and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 3rd April 1953.

Madhya Pradesh Act No. VI of 1953

An Act further to amend the Central Provinces and Berar Animal Preservation Act, 1949.

Preamble.—WHEREAS it is expedient further to amend the Central Provinces and Berar Animal Preservation Act, 1949 (LII of 1949), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be cited as the Madhya Pradesh Animal Preservation (Amendment) Act, 1953.

2. *Amendment of section 2, Act LII of 1949* —In clause (ii) of section 2 of the Central Provinces and Berar Animal Preservation Act, 1949 (LII of 1949),—

(i) after sub-clause (a), the following sub-clause shall be inserted, namely :—

“(a-1) a municipal corporation, the Chief Executive Officer of such corporation;” ;

(ii) in sub-clause (b),—

(a) for the words “in a municipality” the words “in a municipality or a municipal corporation” shall be substituted ; and

(b) for the words “such municipality or Janapada” the words “such municipality, municipal corporation or Janapada” shall be substituted.

The Madhya Pradesh Local Government (Amendment) Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly has been assented to by the Governor on the 31st March 1953, and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 3rd April 1953.

Madhya Pradesh Act No. VIII of 1953

An Act further to amend the Central Provinces and Berar Local Government Act, 1948.

Preamble—WHEREAS it is expedient further to amend the Central Provinces and Berar Local Government Act, 1948 (XXXVIII of 1948), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be cited as the Madhya Pradesh Local Government (Amendment) Act, 1953.

2. *Amendment of section 12, Act XXXVIII of 1948.*—In the proviso to sub-section (1) of section 12 of the Central Provinces and Berar Local Government Act, 1948 (XXXVIII of 1948), for the words “for such period”, the words and figures “up to the 31st day of March 1954 or such earlier date” shall be substituted.

The Court-fees (Madhya Pradesh Amendment) Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly has been assented to by the Governor on the 8th April 1953, and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 10th April 1953.

Madhya Pradesh Act No. IX of 1953

An Act further to amend the Court-Fees Act, 1870, in its application to Madhya Pradesh.

Preamble.—WHEREAS it is expedient further to amend the Court-Fees Act, 1870 (VII of 1870), in its application to Madhya Pradesh, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be cited as the Court-Fees (Madhya Pradesh Amendment) Act, 1953.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definition of Act.*—In this Act, ‘The Act’ means the Court-Fees Act, 1870 (VII of 1870), as amended from time to time in its application to Madhya Pradesh.

3. *Amendment of section 7, Act VII of 1870.*—In section 7 of the Act,—

(i) in paragraph (iv),—

(a) clause (b) shall be omitted ; and

(b) for the words, figure, brackets and letter “with a minimum fee of Rs. 5, in the case of suits falling under clause (c)”, the words “with a minimum fee of twenty rupees” shall be substituted ;

(ii) in paragraph (v),—

(a) clause (a) shall be omitted ;

(b) in clause (b), for the words “seven and half times”, the words “twenty times” shall be substituted ;

(c) for the Explanation under clause (d), the following explanation shall be substituted, namely :—

“*Explanation.*—The word ‘estate’ as used in this paragraph means—

(i) any land subject to the payment of revenue, for which the proprietor or farmer or raiyat shall have executed a separate engagement to

Government, or which, in the absence of such engagement, shall have been separately assessed with revenue ;

(ii) any land held by a person deemed to be a tenant of State under sections 45 and 59 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951), or a person deemed to be a lessee from the State under sub-section (2) of section 68 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951), and any reference to revenue in this paragraph shall, in such cases, be deemed to be a reference to the rent or lease-money payable to the State Government in respect of such land.” ;

(iii) for paragraph (vi), the following paragraph shall be substituted, namely :—

“(vi) in suits to enforce a right of pre-emption, according to the value of the subject-matter as specified in the document furnishing the cause of action for such right, and where there is no such document or where the plaintiff claims to pre-empt for a fair consideration, on the value of the subject-matter as stated in the plaint :

Provided that where the value of the subject-matter determined by the court exceeds the value stated in the plaint, the decree shall not be executed until the difference, between the fee actually paid and the fee which would have been payable on the value of the subject-matter as determined by the court, shall have been paid.” ;

(iv) after paragraph (vi), the following paragraph shall be inserted, namely :—

“(vi-a) In suits for partition—

(a) according to one-half of the value of the plaintiff's share of the property ; and

(b) according to the full value of such share if on the date of presenting the plaint the plaintiff is out of possession of the property of which he claims to be a co-parcener or co-owner, and his claim to be a co-parcener or co-owner on such date is denied.

Explanation.—The value of the property for the purposes of this paragraph shall be the market value which, in the case of immovable property, shall be deemed to be the value as computed in accordance with paragraph (v) :”.

4. *Amendment of Schedule II, Act VII of 1870.*—In Schedule II to the Act,—

I. In Article 1, in clause (e),—

(i) in the second column of paragraph (b) of sub-clause (i), the word “or” shall be omitted ;

(ii) in the second column after paragraph (c) of sub-clause (i), the following paragraphs shall be inserted, namely :—

(d) under section 66 of the Indian Income-tax Act, 1922 (XI of 1922) ;

(e) under section 23 of the Central Provinces and Berar Sales Tax Act, 1947 (XXI of 1947) ; or

(f) under section 45-B(1) of the Banking Companies Act, 1949 (X of 1949).” ;

(iii) after sub-clause (iii) of clause (e), the following sub-clauses shall be inserted, namely :—

“(iv) under section 66 of the Indian Income-tax Act, 1922 (XI of 1922) ; Fifty rupees

(v) under section 23 of the Central Provinces and Berar Sales Tax Act, 1947 (XXI of 1947) ; Twenty five rupees.

(vi) under section 45-B (1) of the Banking Companies Act, 1949 (X of 1949) in respect of any claim, counter-claim or set-off,—

(a) when the amount or value does not exceed two thousand and five hundred rupees ; Fifteen rupees.

(b) when the amount or value exceeds two thousand and five hundred rupees, but does not exceed ten thousand rupees ; Thirty rupees.

(c) when the amount or value exceeds ten thousand rupees. Fifty rupees."

II. In Article I, for clause (f), the following clause shall be substituted, namely :—

"(f) when presented to the High Court by way of appeal or revision— Five rupees.

(i) otherwise than—

(a) under section 25 of the Provincial Small Causes Courts Act, 1887 (IX of 1887) ;

(b) under section 16 of the Berar Small Causes Courts Law, 1905 ;

(c) under section 115 of the Code of Civil Procedure, 1908 (V of 1908) ;

(d) under section 45-B (2) of the Banking Companies Act, 1949 (X of 1949) ;

(ii) under section 45-B (2) of the Banking Companies Act, 1949 (X of 1949)—

(a) when the amount or value does not exceed two thousand and five hundred rupees ; Thirty rupees.

(b) when the amount or value exceeds two thousand and five hundred rupees but does not exceed ten thousand rupees ; Sixty rupees.

(c) when the amount or value exceeds ten thousand rupees. One hundred rupees."

III. In Article 10, for the words "three rupees five annas" occurring in column three against clause (c), the words "three rupees eight annas" shall be substituted.

IV. In Article 18, for clause (a), the following clause shall be substituted, namely :—

"(a) Under section 14 When the amount or value of the property to which the award relates—

or section 20 of the Arbitration Act, 1940, for a direction for filing an award or for an order for filing an agreement, (a) does not exceed rupees one thousand, Ten rupees.

(b) exceeds rupees one thousand but does not exceed rupees five thousand, Twenty-five rupees.

(c) exceeds rupees five thousand. Fifty rupees."

The Madhya Pradesh Sale of Khaddar Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly, has been assented to by the Governor on the 9th April 1953 and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 17th April 1953.

Madhya Pradesh Act No. X of 1953.

TABLE OF CONTENTS

Preamble.	Sections.
1. Short title, extent and comment.	2. Definitions.

Sections.	Sections.
3. Licensing Authority.	9. Power to grant licence.
4. Appointment of Chairman.	10. Dealer in Khadi not to deal in any other cloth in the same premises.
5. Term of Office.	11. Penalty.
6. Conduct of business.	12. Offences by corporations.
7. Act of licensing authority not to be questioned due to vacancy, defect or irregularity.	13. Cognizance of offences.
8. Sale of Khaddar or Khadi by licensed dealers only.	14. Rules.

The Madhya Pradesh Sale of Khaddar Act, 1953.

Madhya Pradesh Act No. X of 1953.

An Act to regulate the sale of Khaddar or Khadi.

Preamble.—Whereas it is expedient to regulate the sale of Khaddar or Khadi ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be cited as the Madhya Pradesh Sale of Khaddar Act, 1953.

(2) It extends to the whole of Madhya Pradesh

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “deal” means to carry on the business of selling “Khaddar” or “Khadi” whether wholesale or retail, but does not include the sale by an educational or other institution imparting instructions or training in spinning and weaving of “Khaddar” or “Khadi” produced by it, and the expression “dealer” shall be construed accordingly ;

(b) “Khaddar” or “Khadi” means any cloth woven on handloom in India from cotton, silk or woollen yarn handspun in India, or from a mixture of any two or all of such yarns ;

(c) “licensing authority” means the licensing authority constituted under section 3.

3. *Licensing authority.*—(1) The licensing authority shall consist of three members as follows :—

(a) one member to be nominated by the Secretary of the All-India Spinners’ Association, Wardha ;

(b) one member to be nominated by the Secretary, All-India Sarwa Seva Sangh, Wardha ;

(c) one official to be nominated by the State Government.

(2) Every nomination under this section shall take effect as soon as it is notified by the State Government.

4. *Appointment of Chairman.*—The State Government shall nominate a member of the licensing authority to be the Chairman thereof.

5. *Term of office.*—(1) The term of office of a member nominated under clause (a) or clause (b) of sub-section (1) of section 3 shall be three years commencing from the date on which his nomination is notified.

(2) The member appointed under clause (c) of sub-section (1) of section 3 shall, unless he resigns the membership of the licensing authority, hold office during the pleasure of the State Government.

(3) Any member of the licensing authority may resign his membership by a letter addressed to the State Government and the resignation shall be effective on the date such letter is received by the State Government.

6. *Conduct of business.*—(1) The licensing authority may, with the previous approval of the State Government, make regulations for the conduct of its own business.

(2) Such regulations shall be published in the Gazette.

7. *Act of licensing authority not to be questioned due to vacancy, defect or irregularity.*—Any act done by the licensing authority shall not be questioned on account of any vacancy in the authority or any defect or irregularity in the appointment of the Chairman or any member of the authority.

8. *Sale of Khaddar or Khadi by licensed dealers only.*—No dealer shall sell any article in the name of "Khaddar" or "Khadi" except under and in accordance with a licence granted by a licensing authority under this Act.

9. *Power to grant licence*—(1) Subject to any rules made under this Act, a licensing authority may, on the application of a dealer and after making such inquiry as it thinks fit, grant a licence to him to sell "Khaddar" or "Khadi".

(2) Where the licensing authority rejects an application for a licence, it shall record its reasons therefor.

(3) Every licence shall be issued in such form, on such conditions and subject to such fees as may be prescribed.

10. *Dealer in Khadi not to deal in any other cloth in the same premises.*—No dealer to whom a licence has been granted under section 9 shall deal in any cloth other than "Khaddar" or "Khadi" on the premises in which he locates his shop, for the sale of "Khaddar" or "Khadi".

11. *Penalty.*—Any dealer, who contravenes the provisions of section 8 or section 10 or commits a breach of any of the conditions of a licence granted under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

12. *Offences by corporations.*—If the person committing an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the offence took place without his knowledge or that he exercised all due diligence to prevent the commission of such offence, be deemed to be guilty of such offence.

13. *Cognizance of offences.*—No court shall take cognizance of any offence punishable under this Act except upon a complaint, in writing, made in the prescribed manner by the licensing authority.

14. *Rules*—(1) The State Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules to provide for—

(a) the form in which an application for a licence under this Act may be made ;

(b) the form in which, and the conditions subject to which, a licence may be granted under this Act ;

(c) the fees to be levied for the grant of licences ;

(d) the procedure to be followed by the licensing authority in considering the applications for licences, and the issue of licences ;

(e) the manner in which a complaint shall be made of any offence punishable under this Act.

(3) The rules under sub-sections (1) and (2) shall be made after consultation with the licensing authority.

The Madhya Pradesh Tobacco (Amendment) Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly has been assented to by the Governor on the 18th April 1953 and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 1st May 1953.

Madhya Pradesh Act No. XI of 1953.

An Act further to amend the Central Provinces and Berar Tobacco Act, 1939.

Preamble.—Whereas it is expedient further to amend the Central Provinces and Berar Tobacco Act, 1939 (VIII of 1939), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*—This Act may be cited as the Madhya Pradesh Tobacco (Amendment) Act, 1953.

2. *Amendment of section 1, Act VIII of 1939.*—In sub-section (3) of section 1 of the Central Provinces and Berar Tobacco Act, 1939 (VIII of 1939), (hereinafter referred to as the said Act), the words beginning with “and shall remain in operation” and ending with “as if this Act had not expired” shall be omitted.

3. *Omission of section 20-A, Act VIII of 1939.*—Section 20-A of the said Act shall be omitted.

The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) (Amendment) Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly has been assented to by the Governor on the 6th May 1953 and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 15th May 1953.

Madhya Pradesh Act No. XII of 1953.

An Act to amend the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950.

Preamble.—Whereas it is expedient to amend the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be cited as the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) (Amendment) Act, 1953.

2. *Insertion of new section 81-A in Act I of 1951.*—After section 81 of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (I of 1951), hereinafter referred to as the said Act), the following section shall be inserted, namely :—

“81-A. *Grant of special annuity in merged territories.*—(1) Where in the merged territories, any property vesting in the State was held either wholly or partially free from payment of land revenue for the maintenance or upkeep of any religious, charitable or public institution, the State Government may, in addition to the rehabilitation, grant, if any, to which such institution may be entitled under section 77, grant such special annuity as may be considered reasonable for fulfilling the objects of such institution so far as they relate strictly to religious, charitable or public purposes :

Provided that the special annuity shall not exceed half the amount of the land revenue in respect of which the institution concerned enjoyed exemption immediately before the commencement of this Act.

(2) The special annuity granted under sub-section (1) may, from time to time, be revised or be withdrawn by the State Government.

(3) The State Government may make rules to carry out the purposes of this section and in particular such rules may provide for—

- (a) the form of application and the particulars to be given therein ;
- (b) the manner in which the special annuity shall be paid ;
- (c) the conditions of the grant of the special annuity."

3. *Amendment of section 82, Act I of 1951.*—In section 82 of the said Act, after the words "rehabilitation grant", the words "or special annuity" shall be inserted.

The Nagpur Corporation and Jubbulpore Corporation (Amendment) Act, 1953.

The following Act of the Madhya Pradesh Legislative Assembly has been assented to by the Governor on the 15th May 1953 and was published in the *Madhya Pradesh Gazette*, Part IV (B), dated the 29th May 1953.

Madhya Pradesh Act No. XIV of 1953.

TABLE OF CONTENTS

Preamble

Sections.

1. Short Title.
2. Amendment of section 9, Act II of 1950.
3. Amendment of section 9, Act III of 1950.
4. Amendment of section 57, Act II of 1950 and of section 63, Act III of 1950
5. Amendment of section 111, Act II of 1950 and of section 117, Act III of 1950.
6. Amendment of section 116, Act II of 1950 and of section 122, Act III of 1950.
7. Amendment of section 380, Act II of 1950 and of section 408, Act III of 1950.

The Nagpur Corporation and Jubbulpore Corporation (Amendment) Act, 1953.

Madhya Pradesh Act No. XIV of 1953.

An Act further to amend the City of Nagpur Corporation Act, 1948, and the City of Jubbulpore Corporation Act, 1948.

Preamble.—WHEREAS it is expedient further to amend the City of Nagpur Corporation Act, 1948 (II of 1950), and the City of Jubbulpore Corporation Act, 1948 (III of 1950), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be cited as the Nagpur Corporation and Jubbulpore Corporation (Amendment) Act, 1953.

2. *Amendment of section 9, Act II of 1950.*—In sub-section (1) of section 9 of the City of Nagpur Corporation Act, 1948 (II of 1950), in clause (d), for items (iv) and (v), the following items shall be substituted, namely :—

"(iv) the Central Railways ;

(v) the Eastern Railways ;".

3. *Amendment of section 9, Act III of 1950.*—In sub-section (1) of section 9 of the City of Jubbulpore Corporation Act, 1948 (III of 1950), in clause (c), for items (ii) and (iii), the following items shall be substituted, namely :—

"(ii) the Central Railways ; and

(iii) the Eastern Railways ;".

4. *Amendment of section 57, Act II of 1950 and of section 63, Act III of 1950.*—For clause (c) of sub-section (1) of section 57 of the City of Nagpur Corporation Act, 1948 (II of 1950), and for clause (c) of sub-section (1) of section 63 of the City of Jubbulpore Corporation Act, 1948 (III of 1950), the following clause shall be substituted, namely :—

“(c) disposing of night-soil and rubbish and, if so required by the State Government, preparation of compost manure from night-soil and rubbish;”.

5. *Amendment of section 111, Act II of 1950 and of section 117, Act III of 1950.*—In sub-section (1) of section 111 of the City of Nagpur Corporation Act, 1948 (II of 1950), and in sub-section (1) of section 117 of the City of Jubbulpore Corporation Act, 1948 (III of 1950), the words “appointed with the approval of the Standing Committee” shall be omitted.

6. *Amendment of section 116, Act II of 1950 and of section 122, Act III of 1950.*—In section 116 of the City of Nagpur Corporation Act, 1948 (II of 1950) and section 122 of the City of Jubbulpore Corporation Act, 1948 (III of 1950),—

(a) in sub-section (1),—

(i) for the words “not less than ten per centum”, the words “not less than 6½ per cent” shall be substituted; and

(ii) for the words “six rupees” occurring in clause (c), the words “twenty-four rupees” shall be substituted.

(b) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) In fixing the rate of property tax, the Corporation may, subject to the minimum laid down in sub-section (1), fix rates of property tax rising with the different slabs of annual valuation but the rate of tax for any such slab shall be uniform throughout the area of the Corporation.”.

7. *Amendment of section 380, Act II of 1950 and of section 408, Act III of 1950.*—In sub-section (1) of section 380 of the City of Nagpur Corporation Act, 1948 (II of 1950), and in sub-section (1) of section 408 of the City of Jubbulpore Corporation Act, 1948 (III of 1950), the following words shall be added at the end, namely :—

“or by the officer-in-charge of a police station authorised by the Chief Executive Officer in this behalf either generally in regard to all such offences or particularly in regard only to specific offences or offences of a special class.”.

